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National Municipal Review

Vol. XIII, No. 1 January, 1924 Total No. 91

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PUBLISHED BY THE
NATIONAL MUNICIPAL LEAGUE
RUMFORD BUILDING, CONCORD, N. H.
EDITORIAL OFFICE, 261 BROADWAY, NEW YORK, N. Y.

http://www.archive.org/details/nationalmunicipa13nati

THE NATIONAL MUNICIPAL REVIEW covers the field of government by means of articles, comment and news notes. It is sent to all members of the National Municipal League. Those who do not desire to become members of the League may subscribe to the REVIEW by paying five dollars a year in advance. Canada subscription rates $5.25 in advance; foreign $5.50. Checks should be made payable to the National Municipal League and mailed to 261 Broadway, New York, N. Y.

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Entered as second-class matter April 15, 1914, at the post-office at Concord, New Hampshire, under the Act of August 24, 1912. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized December 24, 1920.

NATIONAL
MUNICIPAL REVIEW

1924

VOLUME XIII

NATIONAL MUNICIPAL LEAGUE
261 BROADWAY
NEW YORK

Bound
Periodical
447869 APR 4 1925

NATIONAL
MUNICIPAL REVIEW

VOL. XIII, No. 1 JANUARY, 1924 TOTAL No. 91

FEDERAL BUDGET BECOMES NEWS

BY LUTHER GULICK

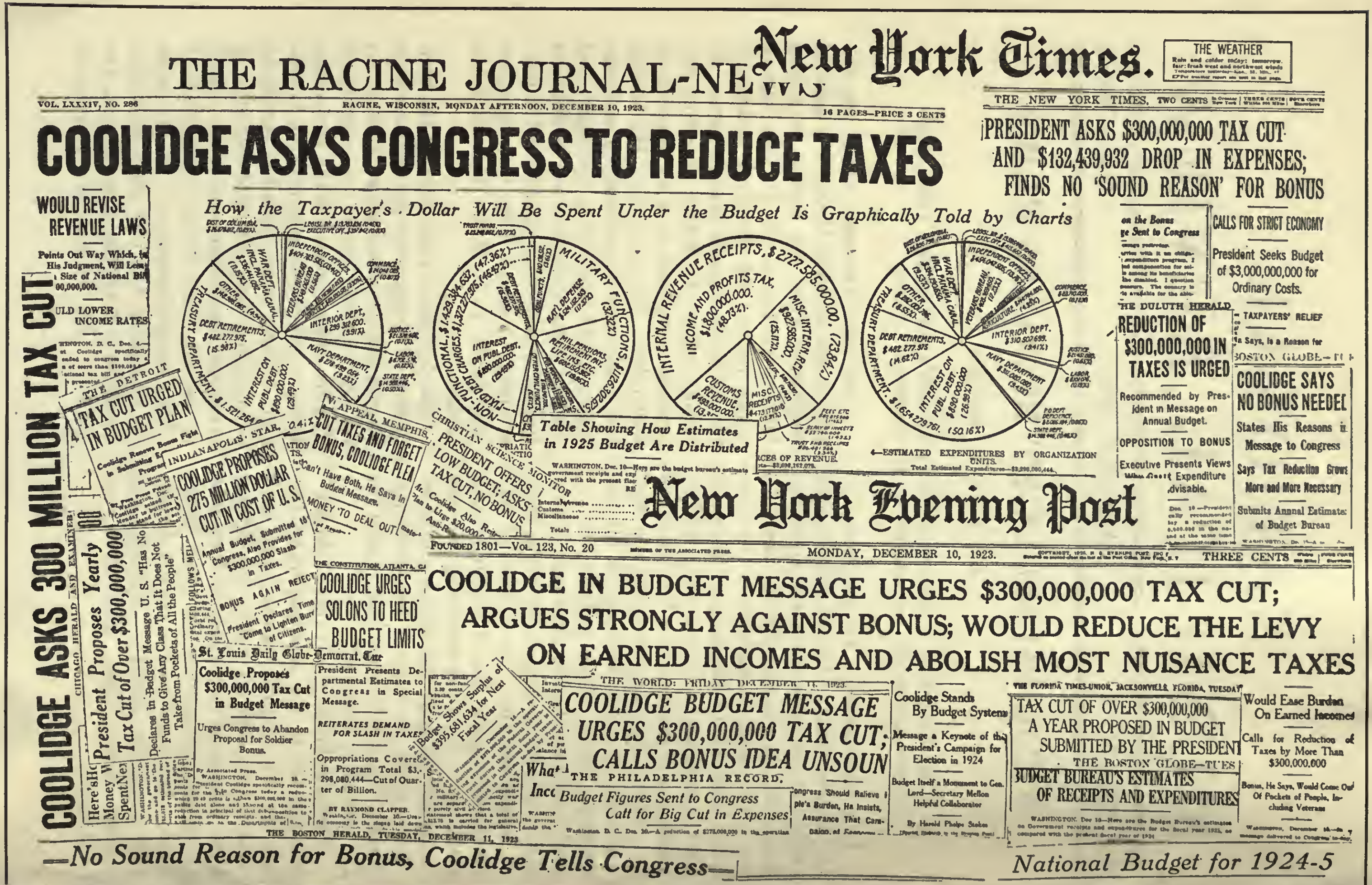
The newspaper reception of the president's budget for 1924–1925 demonstrates the news-value of the executive budget. :: ::

IT has happened! Fifteen years ago the frontiersmen of budget reform were calling in the wilderness for executive leadership in government finance. In one of the early pamphlets of the New York Bureau of Municipal Research the statement is made that public finances will not cease to be controlled by private considerations until the chief executive is made responsible for the financial plans of the government. I well remember Dr. Frederick A. Cleveland's words, spoken in the early days of budget reform, "The success of representative government depends upon publicity. It is the only way we can bring government and people together. There must be a focus for publicity. This is the most important reason for the executive budget."

The vindication of this "theory" was carried in the newspapers of December 11. North, south, east and west, the essential facts and figures were presented in display of President Coolidge's budget for the year 1924–1925. In many leading papers, charts and diagrams served to illustrate the salient facts. (See illustration on next page.)

A review of the news and of the editorials shows that there is a general realization that the budget is a live human program. It is the mirror which reflects the domestic policies of the administration in specific form. It brings before the nation the most important questions *in their relation to each other.* Tax reduction, the bonus, the pork barrel, prohibition enforcement, naval limitation, the debt, and general administration are considered together, and the proposals of the government on all of these questions are interwoven to form the texture of the budget.

The President's message on the convening of Congress is overshadowed in importance by the budget message as far as domestic issues are concerned. The budget message has the advantage because every recommendation is specific. There is no room left for doubt or interpretation. Almost every factor is measured in dollars and cents. And, as the New York *Times* said editorially of the budget message, "There can be no mistaking the fact that President Coolidge is throwing himself upon the country. He is, in effect, issuing or-



THE RACINE JOURNAL-NEWS

VOL. LXXXIV, NO. 286 RACINE, WISCONSIN, MONDAY AFTERNOON, DECEMBER 10, 1923. 16 PAGES—PRICE 3 CENTS

COOLIDGE ASKS CONGRESS TO REDUCE TAXES

WOULD REVISE REVENUE LAWS

Points Out Way Which, in His Judgment, Will Lessen Size of National Bill 00,000,000.

ULD LOWER INCOME RATES

How the Taxpayer's Dollar Will Be Spent Under the Budget Is Graphically Told by Charts

Table Showing How Estimates in 1925 Budget Are Distributed

ESTIMATED EXPENDITURES BY ORGANIZATION UNITS.

New York Times.

THE NEW YORK TIMES, TWO CENTS

THE WEATHER

PRESIDENT ASKS $300,000,000 TAX CUT AND $132,439,932 DROP IN EXPENSES; FINDS NO 'SOUND REASON' FOR BONUS

CALLS FOR STRICT ECONOMY

President Seeks Budget of $3,000,000,000 for Ordinary Costs.

THE DULUTH HERALD

REDUCTION OF $300,000,000 IN TAXES IS URGED

Recommended by President in Message on Annual Budget.

OPPOSITION TO BONUS

Executive Presents Views ... dvisable.

TAXPAYERS' RELIEF

BOSTON GLOBE

COOLIDGE SAYS NO BONUS NEEDED

States His Reasons in Message to Congress

Says Tax Reduction Grows More and More Necessary

Submits Annual Estimates of Budget Bureau

THE DETROIT

TAX CUT URGED IN BUDGET PLAN

INDIANAPOLIS STAR

COOLIDGE PROPOSES 275 MILLION DOLLAR CUT IN COST OF U. S.

Annual Budget, Submitted to Congress, Also Provides for $300,000,000 Slash in Taxes.

BONUS AGAIN REJECT

President Declares Time Come to Lighten Burden of Citizens.

APPEAL, MEMPHIS

CUT TAXES AND FORGET BONUS, COOLIDGE PLEA

Can't Have Both, He Says in Budget Message.

MONEY TO DEAL OUT

CHRISTIAN SCIENCE MONITOR

PRESIDENT OFFERS LOW BUDGET; ASKS TAX CUT, NO BONUS

New York Evening Post

FOUNDED 1801—VOL. 123, NO. 20 MONDAY, DECEMBER 10, 1923. THREE CENTS

COOLIDGE IN BUDGET MESSAGE URGES $300,000,000 TAX CUT; ARGUES STRONGLY AGAINST BONUS; WOULD REDUCE THE LEVY ON EARNED INCOMES AND ABOLISH MOST NUISANCE TAXES

THE CONSTITUTION, ATLANTA, GA.

COOLIDGE URGES SOLONS TO HEED BUDGET LIMITS

St. Louis Daily Globe-Democrat.

Coolidge Proposes $300,000,000 Tax Cut in Budget Message

Urges Congress to Abandon Proposal for Soldier Bonus.

President Presents Departmental Estimates to Congress in Special Message.

REITERATES DEMAND FOR SLASH IN TAXES

Appropriations Covered in Program Total $3,298,080,444—Cut of Quarter of Billion.

THE BOSTON HERALD, TUESDAY, DECEMBER 11, 1923

Budget Shows Surplus of $395,681,634 for Next Fiscal Year

THE WORLD: FRIDAY, DECEMBER 14, 1923.

COOLIDGE BUDGET MESSAGE URGES $300,000,000 TAX CUT; CALLS BONUS IDEA UNSOUN

THE PHILADELPHIA RECORD.

Budget Figures Sent to Congress Call for Big Cut in Expenses

Coolidge Stands By Budget System

Message a Keynote of the President's Campaign for Election in 1924

Budget Itself a Monument to Gen. Lord—Secretary Mellon Helpful Collaborator

THE FLORIDA TIMES-UNION, JACKSONVILLE, FLORIDA, TUESDAY

TAX CUT OF OVER $300,000,000 A YEAR PROPOSED IN BUDGET SUBMITTED BY THE PRESIDENT

THE BOSTON GLOBE—TUES

BUDGET BUREAU'S ESTIMATES OF RECEIPTS AND EXPENDITURES

Would Ease Burden On Earned Incomes

Calls for Reduction of Taxes by More Than $300,000,000

CHICAGO HERALD AND EXAMINER

COOLIDGE ASKS 300 MILLION TAX CUT

President Proposes Yearly Tax Cut of Over $300,000,000

Declares in Budget Message U. S. "Has No Funds to Give Any Class That It Does Not Take from Pockets of All the People"

Here's How Money W Spent

—No Sound Reason for Bonus, Coolidge Tells Congress—

National Budget for 1924-5

ders of battle and clearing the decks for action. We know now what he is going most urgently to ask of Congress. He has removed all doubt of the issues which he intends to make first and foremost in the Presidential election of 1924."

It has happened! The presentation of the financial program by the chief executive has created news-value and democracy-value. On this point the budget reformers are vindicated. Is it possible that they are right when they urge that changes be made in the appropriation procedure of Congress and that the executive and his representatives be called before Congress and given the right to explain and debate the budget?

THE CITY MANAGERS' CONVENTION

BY JOHN G. STUTZ

Executive Secretary, City Managers' Association

THE Tenth Annual Convention of The City Managers' Association, which was held in Washington, D. C., November 13, 14, 15, was in many respects the most successful which the Association has ever had. In point of attendance, it was certainly the largest and those who have attended conventions since the organization of the Association agree that the papers and discussions offered were as good as any that have gone before.

Following the address of welcome by Cuno H. Rudolph, president of the board of commissioners of the District of Columbia, and the response by Louis Brownlow, the secretary reported upon the growth of the manager plan during the past year.

GROWTH OF THE CITY-MANAGER PLAN

The fifteenth year of the city-manager plan of city government has been one of steady growth. There have been fifty-one cities added during the past twelve months. Only four cities have abandoned the commission-manager government by vote of the people during the fifteen years it has been in use. They are Hot Springs, Arkansas; Lawton, Oklahoma; Waltham, Massachusetts, and Akron, Ohio. The last two voted to abandon the plan during the past twelve months.

Between 90 per cent and 95 per cent of all the changes in city government at the present time are for the city-manager plan. There are 1,467 cities in the United States with a population of 5,000 or more. Of this number, 303, or 20 per cent, have adopted the commission plan of city government by vote of the citizens of the city. Fifty-three of the 303, or 17.5 per cent, are known to have abandoned the commission plan. There are 155 cities, or 10.5 per cent of all cities over 5,000 population, which have adopted the city-manager plan of city government by vote of the people. Of this number, four have abandoned the plan, or 2.5 per cent. It is conspicuous to note that while the commission plan has been in vogue since 1901, practically all the cities which adopted the commission plan did so prior to 1914 at which time there were twenty-one cities operating under the city-manager plan, which had begun to attract considerable attention. Seventeen and five-tenths per cent of the cities over 5,000 which had adopted the commission plan have abandoned it; fifteen of of them have adopted the city-manager plan; 2.5 per cent of the cities over 5,000 which have adopted the city-manager plan have abandoned it, and in no case have these cities abandoned the city-manager plan for the commission plan.

There are now 234 cities operating or pledged to the city-manager plan of city government by vote of the people and ninety-four operating under the city-manager plan of government by the provisions of an ordinance. This represents an increase of thirty-one operating under or pledged to this plan by vote of the people, and twenty operating under the plan by provisions of an ordinance during the past twelve months.

REPUTATION OF CITY-MANAGER PLAN IS CAUSE FOR ITS GROWTH

The plan is growing by virtue of its reputation and not because of any propaganda movements. This is evidenced by the fact that it is growing best where it is best known. That is, it is spreading faster in states in which the most cities are already operating under it. Of the thirty-five states of the United States and the seven provinces of Great Britain having manager cities, ten states have two-thirds of these cities, as shown in the table in the next column of this page.

FEATURES OF THE CONVENTION

The addresses and discussions went off as per program. On Wednesday the managers called at the White House and were received by President Coolidge. Following the reception, the members were driven to Alexandria, Virginia, where an old-fashioned Virginia dinner, presided over by W. M. Rich, city manager of Alexandria, was served them.

	A Year Ago	At Present
Michigan	(34)	36
California	(23)	33
Texas	(23)	27
Virginia	(21)	23
Florida	(17)	23
Oklahoma	(23)	20
Ohio	(15)	15
North Carolina	(12)	13
Iowa	(11)	13
Kansas	(12)	12
Total		215
Total gain		51
Gain in 10 states		27

Other high spots were the banquet session on Wednesday evening, at which O. E. Carr acted as toastmaster and addresses were made by Mrs. Van Winkle, head of the Washington policewomen, and Richard S. Childs, vice-president of the National Municipal League; and the joint dinner session with the National Municipal League on Thursday, which was addressed by Mrs. Maud Wood Park, and by A. R. Hatton and Erie C. Hopwood on the Cleveland P. R. election.

THE WASHINGTON MEETING OF THE GOVERNMENTAL RESEARCH ASSOCIATION

BY ARCH MANDEL

Secretary of the Association

The thirteenth meeting of the Governmental Research Conference, held in Washington November 14–17, contributed to the progress of the governmental research movement and to research itself.

To further the movement, definite action was taken to establish a central information bureau or clearing house for the governmental research field. The proposal adopted was to organize a clearing house for information under the combined auspices of the National Municipal League and of the Governmental Research Association, to be controlled by a joint committee of the two organizations. The executive committee of the association was authorized to proceed with plans for raising $25,000 a year for five years with which to employ an adequate staff and to carry on the work of this central bureau.

Dr. Dodds, secretary of the National Municipal League, put forth the proposal stating that a central clearing house was needed for two purposes: first, to disseminate information to bureaus and to people generally throughout the country; secondly, to do constructive research work. By the latter he meant the encouraging of cities to undertake experiments in methods of operation and in forms of organization and in the promotion of the adoption by cities of successful experiments. Information of various kinds was continually being called for by citizens and municipalities, but at the present time such information cannot be furnished conveniently or satisfactorily because none has been collected for dissemination. Dr. Dodds specified particularly the request for municipal ordinances and the need for a municipal year book.

C. P. Herbert, of the St. Paul Bureau of Municipal Research, outlined his plan of a central organization, which called for an organization made up of research bureaus as constituent members who would contribute a stated amount annually for the support of a central bureau, for which amount a definite service would be rendered to the membership. This plan is not as inclusive as the one proposed by Dr. Dodds, and it was agreed to proceed with the broader program.

The budget committee of the Governmental Research Association made its report through C. P. Herbert, the chairman, and A. E. Buck. Mr. Herbert rehearsed briefly the progress of budget making in the United States during the past eight years. The report summarized the present status of budget procedure in the United States, pointing out that although governmental subdivisions, through adoption of budgets, eliminated deficits and waste and were enabled to plan their work better, and that while budgets had resulted in the saving of money, they were still unintelligible to the people and to legislators and could not be used as tests of government.

The next step, it was pointed out, was to make budgets more intelligible, with particular emphasis upon the need for being able to measure the results of services performed for the money appropriated. Mr. Buck amplified this phase of budget making in his paper entitled "The Need for More Extensive Budget Making." In it he pointed out that while budgets inform us as to what units will be purchased with the money requested, no information was furnished to inform the appropriating body and the public what results had been secured for the money spent in past periods. He emphasized the need for working out tests for government, the beginning of which is the employment of a uniform terminology and a uniform definition of functions or activities by all cities of the country. It was agreed to continue the budget committee for the purpose of working along these lines.

The accounting committee presented a preliminary report through its chairman, R. J. Patterson of the Philadelphia Bureau. The committee on municipal accounting planned to prepare a statement setting forth the fundamental principles followed in municipal accounting systems, and as there was no standard or basis upon which to work, the committee would have to analyze the entire system and attempt to determine what principles ought to be adopted in order to formulate a correct, scientific and harmonious municipal accounting system. The initial task of the committee was to develop a standard terminology.

The report outlined the purposes to be served by municipal accounting systems as follows: to assist executives and members of the legislative body in administering their tasks, to better the cause of administration, to inform citizens with regard to the financial transactions of their municipality and for purposes of control. The need for both proprietary and fund accounts in any system to be applied to various states and cities was emphasized, and it was pointed out that successful budgetary procedure without an adequate accounting and reporting system was impossible. In the matter of reporting the need of a balance sheet or a statement of assets and liabilities was set forth, and an operating statement or statement of revenues, expenditures and capital outlay for both the proprietary and fund accounts. In conclusion, Mr. Patterson stated that the work of the committee was seriously handicapped by lack of a common language in accounting procedure.

At the business session of the Conference, a constitution was adopted, which provided among other things a change of the name of the organization to the Governmental Research Association of America, in which membership would be by individuals and not by organizations.

A dinner meeting, at which representatives of the various bureaus made brief statements of the most interesting assignments they had during the past year, revealed a variety of valuable work being done and emphasized the need for some method of keeping the bureaus informed of the work of the various organizations. This will probably be done through the central information bureau when it is organized.

At the first session of the meeting, W. F. Willoughby of the Institute for Government Research, as presiding officer, made an interesting statement of the problems of government research: national, state and municipal. It was his opinion that the major function of a governmental research agency is the collection and diffusion of knowledge regarding this particular field and that each agency should be a medium of information regarding its own government, as to how it is organized and what its methods of procedure are.

Such agency should also make suggestions for improvement in existing conditions.

Mr. Willoughby stated he would like to see forty-eight volumes published, one for each state, describing the existing government, how it is organized, its personnel system, its purchasing system or the handling of its problems of material, its financial system, its budgetary system, its system of taxation, its accounting system, etc.; that from such volumes comparative data could be obtained upon which to base questions for fundamental reform; and that through a strong league of agencies, agreement on a program might be possible whereby the bureaus themselves could prepare such volumes. He cited the book on accounting published by the Bureau of Municipal Research of Philadelphia as an example, although he stated this book contained criticisms and comments and went somewhat beyond what he had in mind.

Mr. Willoughby then took up the subject of the future of staff members and the possibility of making governmental research a profession in itself. He suggested that one way of meeting this problem was to have staff men do writing work that would find expression in printed volumes over their names, and stated that this was the policy of the Institute for Government Research. He further suggested increased coöperation with universities, particularly political science departments, and suggested that men of the staff might give short lecture courses on specific problems of government.

CONSTABLES AND J. P.'S IN IOWA

BY WARREN L. WALLACE
Iowa State Teachers College

An actual, not a theoretical, statement of what is happening to these ancient offices in a state where they might be expected to be most active.

The following study of a limited phase of county and township government was made in connection with a course in local government given at the Iowa State Teachers College. It was restricted to an observation of the offices of constable and justice of the peace.

MANY TOWNSHIPS HAVE NO J. P.'S AT ALL

The state is divided into townships and the law provides for the election of two justices and two constables in each township. The number given is a maximum number and there is no compulsion as to the selection of these officers by the township. In the event of election to either of these offices no penalty is attached for neglecting to qualify in the case of re-election, but for failure to qualify after the first election a fine of five dollars can be collected.

The best available material in print for making a study of these offices is the report of the county auditor. Reports from fifty-three counties out of a total of ninety-nine were secured which gave figures pertaining to the offices under consideration. Other reports received from auditors gave no data of use in making this study.

The fifty-three counties include a

total of eight hundred and fifty-nine townships. The law thus provides for a total of 1,718 justices in these counties. The reports of the auditors show, however, a total of 631. Four hundred and eight townships have no justices whatever.

The law provides that the clerk of the court, a county officer, shall keep a list of the justices of the county. From these officers reports were secured for nearly forty counties. These revealed that the report of the auditor gives a maximum number, showing in most cases the number elected rather than the number that qualify. In some of the counties there is a marked difference between the number elected and the number that qualified. For instance, Buena Vista elected twenty-four, but only nine are now reported as serving; Clinton elected seventeen, but only three are serving; Humboldt elected thirteen, but has six serving. In some cases the clerk reported the same number in office as was elected. On the whole, it would appear that the total listed by the auditors would have to be reduced at least a third to get a fairly accurate estimate of the number now in office.

The reasons for the small number of justices are probably best given in the reports of the clerks of the court. The most common reason is found in the small compensation. This idea is expressed in various ways. One wrote: "Fees do not justify any person spending the time required unless he is relieved from active work or performs the duties in connection with some active business in which he is engaged." Another said, "Fees of the office are too low and they cannot afford to do the work of the office for the fees paid."

Among the other reasons given are the following: "Names are not put on the ballot and have to be written in." This implies that people do not want to be bothered with the duties and, not having sought the office, refuse to be annoyed by the duties of the place. Another, "There is no inducement for a capable individual to desire the office and there are localities where no one does care for the office."

OFFICE MORE OFTEN FILLED IN THE TOWNS

The question was raised as to whether religion or party control had anything to do with the presence or the absence of the justice. It was found that religion, party in control or wealth of the county had apparently nothing to do with the office. An investigation was made of the townships in twenty-five counties to ascertain whether the officer is found more frequently in those where there are cities or incorporated towns. The latter in Iowa have a population of less than two thousand people. The study in these counties showed a marked tendency for the office to be filled in such places.

One clerk of the court in speaking of the condition in his county said, "It is very unusual for any justice of the peace to act outside of the ones elected in cities and towns. At the present time not a single justice is acting in the country districts."

CONSTABLES ALSO A. W. O. L.

Regarding the constable, figures were also compiled. In the auditors' reports from the fifty-three counties already referred to, it was found that only 523 were reported out of a possible total of 1,718, nearly a hundred less than the number of justices. Four hundred and eighty-eight townships, considerably more than 50 per cent, were reported as having no constable. Again it was found that the greater number of these officers are found in the townships having either incorporated towns or cities.

An effort was made to secure some information from private individuals, but the chief contribution gathered from this source was that the ordinary person either believes that the office is filled or admits that he knows little about it.

An effort was made to get a rather general reaction from the sheriffs of the several counties as to their impression of the condition existing in the office of constable. Any report from them would display the sheriff's point of view naturally. Letters were received from a few more than 25 per cent of the sheriffs of the state, but their letters agreed on so many points that it is safe to presume that replies from others would have done no more than to confirm what had already been given.

The common reason given for vacancies in the office of constable is the same as that given in the case of the justices. Briefly, the sheriffs' statements are of the following order: "Not on salary;" "Don't get any salary, therefore there isn't anyone that wants the office."

The most complete statement of reasons was as follows: "They must give bond; there is no pay except when they do something and the fee is so small it does not pay to worry over it. They are too closely related in work and friendship or business." Other sheriffs wrote that no one wants the office and an attempt is made to thrust it upon them. They do not run for the place. One referred to the improved means of communication. He stated that in the days of the horse and buggy the constable was used a great deal, but since the roads have been improved and the automobile has become so common there is a constant tendency to use the sheriff more.

The general feeling is that the man who fills the place is one whose interest in the maintenance of the peace is not very keen and in some cases he is looked upon as one of such a limited information as to what should be done with legal papers that it is practically useless to entrust them to him.

THE CONSTABLE NOT EFFICIENT

There are two lines of work which legally fall to the constable to perform, viz., civil and criminal. Of his activity in each of these lines the sheriffs make some comment. In the criminal field there appears to be practically no activity on the part of the constable unless some direction to act has come from the justice of the peace or from the sheriff. Generally speaking, the sheriffs feel that the constable is of little value. Thus one sheriff says, "They give very little assistance in attending to the criminal matters connected with the office." And another, "As a rule the constables don't amount to anything as law enforcers."

While the sentiment expressed above is that of most of the sheriffs, it is not that of all of them. About 25 per cent of the replies find that the constables who have qualified are interested in their work and are of real assistance to the sheriff. One comments as follows, "What few we have are anxious and do co-operate with us." There is a more general agreement, however, as to their merit in the towns.

Little mention is made regarding the work of a civil nature. It is to be assumed, therefore, that there is very little connection between the sheriff's office and that of the constable in this respect. Certainly the connection is slight.

The conditions described above indicate that the offices of justice of the peace and the constable are falling into disuse in Iowa and that the duties of these officers are being abandoned or are being transferred to others. That they are being abandoned is unlikely in the present day. That they are being transferred is borne out by the testimony of more than a few officers. The law opens the way for the disposal of justice's cases in adjoining townships in the absence of that officer in the township. The frequency with which this officer appears in the townships which include towns and their absence in those without towns tends to show that the great body of small cases is thus transferred.

Regarding the criminal work of the constable, two or three observations may be made. One is that occasionally the constable is joining forces with the sheriff in an attempt to maintain the general peace; another is that he is in a few instances proceeding rather independently; and the third and by far the most common is the total abandonment of the field.

Most persons interviewed believe that the constable has a field of service in the civil line. If, however, the office of justice were to be reorganized, a subsequent readjustment would naturally ensue in the office of constable. But in the criminal work, the sheriffs were very much of one mind as to what could be done to improve the situation in Iowa. An experienced sheriff wrote, "There is no question but that the law could be better enforced if the sheriff were allowed more deputies and in my own opinion it would be just as well enforced with the present number of deputies, if there were no constables at all. . . ." Another, "It is my opinion that it would be more efficient and more profitable to the taxpayers of the community, if the constables were done away with and the sheriff given additional help and take care of the justice work from the sheriff's office."

Numerous opinions of a similar nature could be given. Most of them show clearly that the sheriffs are pleading for more deputies and fewer constables. It is of interest to observe that the opinions of these officers in Iowa are very similar to those expressed by corresponding officers in New York state, as given in the recent report of the Special Joint Committee on Taxation and Retrenchment.

"PROHIBITION INSIDE OUT"

BY WILLIAM DUDLEY FOULKE

Published by courtesy of "Good Government," the organ of the National Civil Service Reform League, New York City. :: ::

Commissioner Haynes of the prohibition enforcement bureau, who used so willingly the clause in the Volstead act making political plunder of the field service of his unit—who turned out with such alacrity the Democratic scoundrels he found in office and appointed on the recommendations of Republican congressmen and politicians an equal number of Republican scoundrels in their places—men who have made his service a by-word of corruption and inefficiency—this man now publishes what he would have us believe is a fair account of the conduct of the prohibition enforcement service. For a long time his policy had been one of concealment and of insisting that all was going well. I heard Mr. Haynes in August, 1922, in a speech at a Quaker reunion in my own town of Richmond, declare that his employees were "as high-type a force as was found in the government service," and condemn as "wet" propaganda all disparagement of their work.

On November 15, 1922, in testifying before the house committee on appropriations, he said, "We feel much gratified at the present functioning of our machinery." Even as late as last June, Mr. Haynes declared in his report that his force was acting *at a maximum efficiency* under a limited appropriation! Instead of warning the friends of law and order to be on their guard, the effect of this was to lull them into false security. The unwarranted claims of satisfactory enforcement aided the violators of the law to get beyond control. The passing back and forth of the rum-running fleets which once moved under cover, tells the story.

On October 4, 1922, the Commissioner issued an official statement that the office of the prohibition officer in New York state was in excellent condition though that office was then being investigated by a federal grand jury which reported on October 27 that it had been conducted in a disgraceful manner, and six of the enforcement officers and twenty-seven of their dependents were indicted for conspiracy for violating the Volstead act. The grand jury say in their report:

> Apparently the agents selected for active work of suppressing illegal traffic in whiskey have been chosen principally for political reasons, when it was necessary to select men for this work who are worthy of confidence and of such stable character that they would not yield to the temptations to which it was well understood they would be subjected.
>
> These appointees, being exempt from the civil service laws, were appointed and removed without the restrictions which those laws impose, and consequently the office seems to have been made the dumping ground for influential politicians who secured appointments for their henchmen without proper regard for the qualifications of those chosen.

A little later, District Attorney Hayward, quoted in the *New York Tribune* of December 30, 1922, said that the first knowledge in his office of a great conspiracy came a few weeks previously from a volunteer witness, though the office of the New York prohibition director had most of the facts as early as June and did not see fit to turn them over for prosecution. A chronology of the notorious violation of the laws disclosed by the newspapers presents an appalling array of crimes.

The Commissioner has at last awakened from so much of his pipe dream as led him to tell us, and perhaps to believe himself, that all was going well. Concealment was no longer possible and it became necessary to confess that violations of the law were widespread and dangerous. But still he insists that this is the fault of others—of lax enforcement by state and local officials and of general wickedness. That his own force of corrupt spoilsmen was at the bottom of the lawlessness—this he is still unwilling to confess.

In his twenty-first installment of "Prohibition Inside Out," published in the *Times*, he thus refers to the derelictions in his own service:

> Within the enforcement organization we count the cost of the names of our men, dishonest, weak men and *few in number*. . . . In mercy to the weak I refrain from turning the page which would reveal the names of those who are fallen by the wayside. . . . As the result of temptation in scores of forms and unceasingly offered, forty-three officers of the prohibition unit have been adjudged guilty by the courts since the beginning of the administration. *Even so, the force was 99 per cent honest.*

A more outrageously disingenuous and misleading statement it would be hard to conceive. Because only one per cent had been *actually convicted*, therefore 99 per cent were honest! Does Mr. Haynes know the percentage of convictions in other crimes? The report of the committee of the Bar Association at Minneapolis tells us that last year in New York two hundred and sixty murders were committed and three convictions were obtained! This was 1.15 per cent of the murders actually committed, yet here was a crime where the moral force of the community would be in favor of conviction. In respect to the liquor law public opinion is often adverse and the proportion of violations which escape punishment must be very much larger. It is safe to say that the crimes committed by prohibition agents exceed by many times the number of these agents, a single man often committing scores of them. In his very next article Mr. Haynes says the number of corrupt *state* officers is large and "those who have been caught are doubtless but a fraction of those who are guilty," yet he would have us believe that he has caught and punished all the guilty in his own service and that 99 per cent of his own subordinates are enforcing the law! We know from what we see daily around us, that immense quantities of liquor are illegally sold every day with the connivance of prohibition officials. And yet Mr. Haynes says, "Of real corruption the per cent stands at about one half of one per cent." Mr. Haynes, if you believe this, you are deceiving yourself and the rest of us can no longer credit what you say. You tell us of the forty-three convictions. But you say nothing of the "almost numberless cases" mentioned by President Harding in which "immediate dismissal" was necessary. Why are you silent on the Rhode Island service which had to be reorganized from top to bottom? Why do you tell us nothing of the service in New York where one director after another, with his chief subordinates, left the service with the marks of infamy upon his brow? Why nothing of Pennsylvania, where subordinates were actually dismissed by those higher up because they tried to enforce the law? Why nothing of Montana, Wisconsin and elsewhere where your chief officers were faithless to their trust? I appeal from your misleading statistics to the common consciousness of the country that a great proportion of your service is rotten to the core.

Of course you have some good men in it, men who have resisted enormous temptations, among them your roll of martyrs, as you call them, thirty cases you say, who have been slain in the prohibition service. The memory of these men deserves all honor at the hands of their countrymen, though it is a little hard to understand how such a case as that of John T. Foley, killed by the accidental discharge of his own gun, can be regarded as an instance of voluntary martyrdom.

These things continue and grow down to the present time. On July 1, 1923, Commissioner Haynes dismissed, in New York, eighteen prohibition agents because they were "non-producers." But the new appointments to fill their places were filled by the same political methods which created this non-production. On the same day dispatches from Chicago brought word that Roscoe C. Anderson, prohibition director, and John E. Easley, his chief agent, and nine others had been indicted for distributing among stockholders $200,000 worth of liquor stocks, and the Chicago district attorney then announced that charges of perjury against half a dozen agents would be brought before the next federal grand jury.

Leon Ackerman and George Arnold Fugitt, agents attached to the District of Columbia force, were held under a bribery charge. Ackerman recently declared he had been the victim of a "frame-up" by other prohibition agents. We need not decide the equities between these worthy gentlemen. One way or the other the guilt lay with members of this disreputable body.

In Mr. Haynes' "Prohibition Inside Out" we have many edifying cases of temptation resisted, of bootleggers skillfully entrapped, of attempted bribery foiled by the efforts of the faithful. As the parties are not named, the stories cannot be verified or disproved, and we do not hear of the cases where the bootleggers *succeeded* and the bribery *prevailed*. He talks, for instance, of the *pretence* of influences in district attorney's offices and elsewhere, protecting violations of the law, not of the *real* influences which for a long time actually prevailed. His articles reminded me of a story by Charles O'Conor, the eminent lawyer, once engaged in the prosecution of Tweed and his fellow conspirators. A member of the New York ring once said to him, "They are very disagreeable, these damned lies that the newspapers publish." "Yes, they must be very disagreeable," said Mr. O'Conor, "these damned lies that the newspapers publish, but I would not think that would be what *you* would find most disagreeable. I should think it would be the damned *truths* the newspapers publish which you would find objectionable, sir." So it is not the *pretended* influences of which Mr. Haynes had the best right to complain, but the real influences which have prevailed.

But in spite of his desire to make them as small as possible, Mr. Haynes' account itself shows the enormous number of law violations. Take, for instance, the importations from the Bahamas. He says that in 1918 there was only wine of the value of 8,675 pounds sterling and spirits of 6,370 pounds, but last year the wine was over 27,000 pounds and spirits over 100,000 pounds. The traffic from St. Pierre, he says, has been enormous, the natives becoming rich out of these profits. He tells of the traps and vaults for storing liquor, covered with soil, whence it is conveyed at night by trucks for shipment in cars loaded with vegetables and destined to be lost in transit. He tells us of farmers who have not raised a hundred dollars' worth of produce in years who now have fine touring cars; he tells of wild parties of rum runners in which women participate. He tells us of a *possible minimum* of one million and a half gallons of importations for 1922; of the twenty-nine vessels which were seized and forty motor boats. He describes the wholesale smuggling at Detroit; the wholesale importations from Montreal across the New York border; he declares that Canada received many millions in taxes from these importations. He describes the highjackers who rob and murder the bootleggers—the piracy which he says is rampant from the Caribbeans to Newfoundland as well as in the Great Lakes and Puget Sound and Mexico. He talks much of protection of bootleggers by officials, but he gives his illustrations from the officials of different *states* and *cities* and *not from his own subordinates*. He seeks to divert us from a contemplation of present infamy by golden promises of future performance. Conditions may be bad today, but he endeavors to inspire faith by predicting the most satisfactory enforcement of prohibition in times to come. But was it not St. Paul himself who once defined faith as the "substance of things hoped for, the evidence of things *not seen*"? Was it not Alexander Pope who said: "Man never *is* but always *to be* blest"?

Unfortunately we have no better means to gauge the future than by the past. The prohibition bureau has already been in operation over three years and a half. Have violations of the law increased or diminished during that time? Mr. Haynes tells us in his articles that the general decrease in arrests, prosecutions and convictions for crime, in general, and especially for drunkenness is evidence that the Volstead Act has benefited the world. The decrease in prosecutions, he says, shows a great gain.

What, then, shall be said of the report of the Attorney General to the President, in regard to the *enforcement of the Volstead Act itself*, which tells us that during the forty-one months' period since that act was passed, each year has brought an *increase* in prosecutions and convictions; that there have been at least 10,000 more convictions this year than last and 15,000 more than the year before? These figures, he says, not only show the rapid increase of prohibition cases but also indicate a stricter enforcement of the law. A more recent report of the Attorney General shows that the increase in convictions was even greater than that stated above.

Now if according to Mr. Haynes, *diminished* arrests and convictions show improvement as to *other* laws, does not an *increase* in convictions for violations of the Volstead Act show that conditions in regard to its enforcement are growing *worse?* The Attorney General tells us that the average of the last fiscal year is more than three times that of the first fiscal year. If these things mean merely increased vigilance in prosecutions, then what becomes of Mr. Haynes' argument that fewer arrests, prosecutions and convictions mean fewer crimes? Do they mean merely diminished vigilance? His argument cannot work both ways. The inevitable inference is *that violations of the enforcement act are increasing day by day and month by month and that the failure of the bureau to enforce the law under the spoils system is becoming each year more apparent.*

The only possible chance for any amelioration of present conditions in the prohibition enforcement bureau is to provide that *every place* under the commissioner, from the top to the bottom, shall be included in the classified service and that examinations shall be held, *not only for new appointments*, but in regard to the places which are held so largely by men who are now violating the law; that the men now holding these places be required to compete with other applicants, and that a thorough investigation be made by the civil service commission as to the character and integrity as well as the other qualifications of all who apply.

PENNSYLVANIA CLASSIFIES HER EMPLOYEES[1]

Pennsylvania has taken a bold step in the interest of the taxpayer. Those who know how politics can become entrenched behind a state pay roll understand how radical a movement employee classification can be. :: :: :: :: :: :: :: :: :: ::

I. THE NEED FOR AND RESULTS OF CLASSIFICATION

BY CLYDE L. KING
Secretary of the Commonwealth of Pennsylvania

No attempt had ever been made in Pennsylvania to secure equity in pay or in position among the employees of the different departments and other spending agencies of the state. The salaries of about one-fourth of the state employees previous to the Pinchot administration were fixed by statute. The salaries of the other three-fourths were fixed by department heads; and that usually without conference. And statutory salaries had never been adjusted to any common standard. Governor Pinchot asked for and secured the repeal of the statutory salaries with the duty upon the executive board[2] to standardize all salaries and positions other than those in the three elective departments.

INEQUALITIES SHOWING NEED FOR CLASSIFICATION

A few examples will show the need for classification. One employee recently complained to his department chief because his salary of not quite $2,400 per year had not been increased. "But," said the department chief, "you have been working here for some time at that salary." "I know," replied the employee, "but I never used to work much over six weeks in the year." This position required no special training and little experience. In another department an expert chemist with a special training of six years and a long specialized experience was working steadily with over-hours at a salary of $2,400 per year. One lawyer was doing a specialized work without other source of income at $1,800 per year, while work not so difficult was being done by a lawyer in another department at twice that salary.

One bureau had adopted the principle of equal pay but forgot to inquire as to the kind of work done for the pay. In this bureau the clerk, the messenger, the file clerk, the typist and the stenographer all drew the same pay: $1,500 per year.

The worst inequities were in statutory salaries. Dignified titles were used as a smoke screen to legislative inquiries. Thus a "building superintendent" has become under job analysis a mere "clerk class B" and one

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[1] The papers by Dr. King and Mr. Lansburgh were delivered before the Forty-second Annual Meeting of the Pennsylvania Civil Service Association and are published by the courtesy of the Association.

[2] The executive board consists of the governor, the secretary of the commonwealth, the attorney general, the secretary of highways and the secretary of forests and waters.

"chief clerk" is now a "clerk typist," and one whose statutory salary was based on the title of "auditor" is now a "clerk typist" and one former statutory "statistician" is now a "compiling clerk" and another who told the legislative world he was a "statistician" is now a "tabulating machine operator" and one whose statutory salary title was "investigator" is now a "clerk class A." None of the people with these high-sounding titles did the work those titles called for. The titles were devised to get the money. Thus many clerk typists were put on the statutory rolls under the high-sounding title of "recording clerk" and no legislator successfully got back of the window dressing to look at the goods that were being delivered for the pay.

To cite another illustration, the statutes gave one employee the title of "adjuster." A job analysis disclosed the fact that this individual had never "adjusted" anything, and had never acknowledged a letter nor written a report.

About two hundred girl typists were working in one bureau at $65 per month, while many males were doing poorly in other bureaus work not so difficult at $125 per month. From these two hundred girl typists the salaries of eighty have already been increased to $75 per month and the others are being given a chance to show that they can be worth $75 per month. Hereafter typists will be selected and none put on at less than $75 per month with a chance for an increase if their work is worthy of an increase. And the mere typing males will either have to secure other work that justifies higher pay, in or out of state employ, or accept the salary of a typist. These male typists, I should say, were usually in public office in the interest solely of some local political leader.

The annual rates for stenographers of equal skill and work varied in different departments in the same building as follows: $1,200, $1,320, $1,400, $1,500, and $2,000.

This type of iniquitous inequity has been done away with by classification.

Under classification of salaries on the pay rolls of October 1 to 15, 3,617 state employees with headquarters at Harrisburg were affected. The salaries of 1,024 of these were changed. Of these 252 were decreased an average of seventeen dollars per month and 772 were increased an average of sixteen dollars per month. The net increase per year was $96,500. This increase is offset by a few resignations and by many previous dismissals so that the total pay rolls have been reduced by one-eighth. To put it another way, under reorganization seven employees are doing better the work formerly done by eight.

SALARY CHANGES

Of the 1,024 changes on this first pay roll but 134 were decreased whose salaries were under $1,500 per year. Out of the 772 employees whose salaries were increased there were 553 whose salaries were $1,500 or below and 196 in the group with salaries ranging from $1,500 to $3,000 per year.

More changes have since been made and others are to be made. Some who had decreases will find better pay at more responsible or more difficult work, and others will take their places on the lower rungs of the ladder.

These increases in salaries nominally due to classification have actually been due to—

1. Reorganization within the department that brings more work or greater responsibilities to those already in the service.

2. Adjustments in salaries that have

not been adjusted to meet price increases.

3. The establishment of minimum salaries, such as $900 per year for typists.

4. Readjustments to meet present market wages. Thus the wages of practically all the skilled trade workers were increased.

5. Many employees had held on to their jobs under the promises made in the previous administration that their salaries would be increased.

6. Equal pay for equal work.

The proof that the classification on the whole has not been unfair to employees is that there will be a total of less than ten unrequested resignations among 4,000 employees thus far affected, or less than one out of 400. The proof that classification has not been unfair to the taxpayer is that the monthly pay rolls are now about 12½ per cent below those of the previous biennium, with better service to the public.

The decrease of one-eighth in the total monthly pay rolls in the departments financed from the general fund is due mainly to dispensing with employees with no work to do. Reclassification will not increase the total pay rolls when readjustments are completed. Classification coupled with reorganization will make possible better public service with lower total pay rolls.

THE RESULTS OF CLASSIFICATION

What does an equitable classification accomplish?

1. In the first place, it makes morale possible. What would be the effect of the following actual examples on morale anywhere, even in a church choir. A man was put in a department as a typist at $1,800 per year. He had never run a typewriter before he got his job. The other typists were dissatisfied as they had to do most of the work of this one-finger typing artist at lower pay. Some local party "worker" was "recognized" and the taxpayer paid the bill.

The pay of another man was jumped $600 per year in the appropriation bill by the simple device of increasing the salary carried by a designated job in the statutory rolls. And this increase was made without the knowledge of the head of the department concerned and at the request of the head of another department in the same administration because this employee was "useful" in local politics. Under such practice no zeal for public service was possible. Equal pay for equal work brings better work and happier workers.

2. Fair promotion is possible because there is a comparable basis for selection.

3. A proper selection of employees is possible as every job has been analyzed.

4. The taxpayer gets better service at lower costs.

5. Checks on public expenditures are better than on statutory rolls. When pay rolls become large, statutory rolls have everywhere proved useless as means of fiscal control. Under standardization every employee becomes a fiscal inspector. He has a right to equal treatment. And those in charge soon learn of their errors or their favoritism.

In Pennsylvania state government re-organization, including standardization, is already paying dividends to taxpayers of around 20 per cent. Of this 20 per cent, 12½ per cent is due to reductions in payrolls alone.

Three principles guided the classification. The first was equal pay for equal work. The second was recognition for competency and length of service. The third was the opportunity of individuals to get a chance at a higher grade of work to the extent they are capable so to do, and so far as that was practicable. To this end Governor Pinchot has asked that promotions be made, so far as practicable, from within the service. This in time will make it possible for every employee to get work commensurate with his capacities so far as the state service can offer such opportunities.

This kind of classification cannot be put in practice at once. It will take several weeks before the work can be finally completed.

The results of this standardization have already been apparent in that employees are asking to do more work than they did heretofore and there is a zeal for competency in work that was formerly unknown in most all of the departments. Morale for years had been undermined by giving soft snaps to political favorites, either leaving their actual work undone or placing it upon others who were paid less for doing the same class of work.

Better service is now given to the people of this state for three dollars out of four of former expenditures. Governor Pinchot on taking office was faced with a deficit of $29,000,000. He cut the appropriations to the appointive departments by that sum, that is, by one-fourth. Through reorganization, fiscal and administrative, the taxpayers will be saved this sum and the state service has at the same time been improved.

II. METHODS USED IN CLASSIFYING SALARIED POSITIONS IN PENNSYLVANIA

BY RICHARD LANSBURGH
University of Pennsylvania

In the development of this classification there were four fundamental considerations kept constantly in mind:

1. The classification must necessarily be of positions, not persons.
2. The classification must be simple.
3. Positions involving work of equal responsibility requiring equal training must be classified similarly, regardless of the portion of the state service in which they were located. (This necessitated absolutely correct information on work done and training required.)
4. Salary gradations within classes were necessary to insure the possibility of differentiating between individuals on the basis of personal ability, experience, or length of service.

The first step in the development of the classification was the procurement of accurate information concerning all existing positions. This was secured through conference with executives in the state organization, each of whom gave complete information concerning positions under his immediate direction. A chief executive was asked concerning his sub-executives and the sub-executives regarding their subordinates. The information secured covered the work of each position, in detail, and the minimum qualifications necessary for an individual to carry on the work of the position, in terms of education and experience. After securing this information, it was typed on permanent card records and sent direct to the individual state employee for his signature as to correctness, or for correction and signature, as might be deemed proper by him. This was a certain check against injustice by the superior. Cases of discrepancies of importance between the information given by the supervisor and by the employee were carefully checked to insure finally correct information. These cards then became a permanent record of all positions in the state service.

The development of classes which would be few and yet sufficiently definite and inclusive to cover all positions was begun next. Classes were devised to cover all work of similar type requiring equal minimum qualifications, and each was closely defined, as: clerk, classes A and B, computing clerk, accountant, class A, B and C, chief accounting clerk, supervisory clerk, class A, B and C. In order to insure uniformity between departments and persons in the various professions and vocations, all such positions were placed in a professional group of 6 classes, or a vocational group of 6 classes, the differentiation between classes being solely on the basis of education and experience needed to perform properly the work of the position. Thus, engineers, foresters and veterinarians were all classified in the professional group; and nurses, fish culturists, and inspectors in the vocational group. The particular class within the group in which a particular position fell was dependent upon the duties of the position.

The next step was the establishment of a salary range and a series of salary rates for each class developed.

The groundwork then having been completely laid, each position in the service was tentatively placed in its proper class. This tentative classification was next presented to each department head for his department, and to bureau heads, if desired by the department head. Proper adjustments were made at this point and many discrepancies eliminated. Final salary rates within the class were suggested by the department heads on the basis of the individual merits of the person holding the position.

Lists of all changes in salaries resulting from the classification were next prepared and given a final check by department heads, final adjustments being made where necessary at this time.

All changes possible under budgetary requirements were made effective immediately, and in all other cases, the proper classification was established and the individual paid as nearly as possible the amount finally determined upon.

PROGRESS IN STATE BUDGET MAKING

BY A. E. BUCK

National Institute of Public Administration

In an article printed about two years ago (National Municipal Review, November, 1921, pp. 568–573) the writer presented briefly the progress, as he saw it, which had been made up to that time in state budget making. While there has not been a great deal of strict budget legislation passed during the last two years, a considerable amount of general and financial legislation has been enacted by the different states, which is certain to promote progress in budget planning and control. Governors and legislative leaders are realizing that while it is important to have a good budget law, it cannot do everything. They are beginning to understand that systematic organization, business methods, and competent administration are essential to the success of a budget system. This general attitude augurs well for the future progress of state budget systems. A very short time ago there was current the idea that only a budget law was necessary to bring order and a healthy balance to a state government which was financially on the edge of bankruptcy. But this idea is fast changing.

During the past two years Pennsylvania has been added to the list of states with legally authorized budget systems. Rhode Island has made a move in the direction of an executive budget. The Missouri law providing for a state budget procedure and a department of budget failed on referendum at the general election in 1922. As a result of new and amended budget legislation adopted up to this time, there are now twenty-eight states with the executive type of budget and eighteen states with the board type of budget. Of course, this grouping is made entirely upon the basis of the legal provisions. Executive leadership in the formulation of the budget depends more upon the type of governor and the political situation in the state than it does upon the legal provisions. So complex is our system of state government that not always can the governor, or the legislature, or a fiscal board be pointed to as the dominating agency in the determination of the budget. California's recent experience shows that the judiciary may sometimes be a determining factor in fixing the state budget.

I. Recent State Budget Legislation

CONSTITUTIONAL BUDGET PROVISIONS

An interesting trend in state budget legislation is in the direction of giving permanency to the budget by providing for it in the constitution. There are now six states with more or less satisfactory budget provisions written in their constitutions. These are Maryland (1916), West Virginia (1918), Massachusetts (1918), Nebraska (1920), Louisiana (1921), and California (1922). Proposed budget amendments to the constitutions of Indiana, New Mexico and New York failed of adoption in 1921.

The Maryland, the West Virginia (largely copied from Maryland), and the Massachusetts budget amendments have been noted in previous articles and their principal provisions outlined. The Nebraska budget amendment (Art. V, sec. 7) requires the governor to submit a budget to the legislature at the beginning of each session. The legislature cannot appropriate in excess of the governor's recommendations, except by a three-fifths vote of each house, and the excess so voted is subject to the governor's veto. The governor has the assistance of the department of finance in preparing the budget according to the regulations established by law.

The Louisiana provisions (Art. X, sec. 2; Art. IV, secs. 9–11) constitute the state tax commission the budget-making authority. It defines the general appropriation bill and provides that all other appropriations must be made in separate bills. All contingent appropriations are abolished. The legislature is not permitted to pass an appropriation bill within five days of the end of the session. These constitutional provisions are supplemented by a budget statute.

The California budget amendment (Art. IV, sec. 34) requires the governor to submit a complete budget plan to the legislature within the first thirty days of the session. The governor submits along with the budget a budget bill, which he can amend at any time during the legislative session. No appropriations, except for the expenses of the legislature and such emergency appropriations as the governor may recommend, can be passed before the budget bill is enacted. Other appropriations must be in separate bills, one for each definite purpose. In approving appropriation bills, the governor can by his veto reduce or eliminate items. The legislature can override the governor's veto by a two-thirds vote.

NEW BUDGET STATUTES

The Pennsylvania code of 1923, reorganizing the state administration, establishes the first legal budget procedure for the state government. It provides that the governor submit a budget to the legislature within four weeks after the beginning of the session. The secretary of state, appointed by the governor, is the chief budget officer. The legislature is not limited in its action upon the budget. The governor, however, has the item veto power. He exercises through the department of state and finance rather broad powers relating to the control of expenditures.

The Tennessee administrative reorganization act of 1923 provides that the governor must submit a complete budget to the legislature within four weeks after his inauguration. The budget information is gathered, compiled and submitted to the governor by the department of finance and taxation, the head of which is directly responsible to the governor. This department has complete control over the expenditure of all funds after the appropriations have been made by the legislature. The state administration has been arranged in eight orderly departments and provisions have been made for businesslike management. Those provisions of the budget law of 1917 in conflict with the reorganization act were repealed.

Under the reorganization act of Vermont passed in 1923, the governor is made responsible for the budget. The budget information is furnished by the department of finance and the incoming governor must send the budget with his recommendations to the legislature within three weeks after the beginning of the session. The appropriations are made in a general bill. Control over state finances is established through the department of finance. The reorganization plan is in the direction of systematizing the state's business. The budget law of 1917 is repealed.

CHANGES IN EXISTING BUDGET LEGISLATION

A financial code, which greatly strengthens the budget procedure, was enacted at a special session of the Arizona legislature in April, 1922. This code systematizes the financial methods so far as the existing organization of the state government will permit. It abolishes a lot of funds and all special and continuing appropriations.

In 1922 Georgia revised its budget law by reconstituting the budget commission, now called the state investigating and budget commission, so as to consist of the governor, comptroller, attorney general, and chairmen of the legislative finance committees.

The Massachusetts legislature of 1922 established a commission on administration and finance. The fiscal procedure was further outlined by a law passed in 1923 (ch. 362). The work of the commission is divided into a comptroller's bureau, a budget bureau, a purchasing bureau, and a division of personnel and standardization. The budget bureau is under a commissioner appointed by the governor. It prepares the budget for the governor. All the bookkeeping is done in the comptroller's bureau, the elective auditor keeping no accounts in connection with his auditing work.

The Maryland reorganization act, effective January 1, 1923, did practically nothing toward establishing a permanent agency to assist the governor in the preparation of the budget for the legislature. The act did, however, establish a department of finance consisting of several agencies, some of which are not responsible to the governor.

The Rhode Island legislature of 1923 made a move in the direction of an executive budget by enacting a law requiring the governor to collect estimates and send a statement of income and expenditures to the legislature.

An amendment to the Virginia budget law in 1922 empowers the governor to appoint a director of the budget for a term of four years at a salary of $4,500, as well as special assistants.

Under the Washington administrative code of 1921 the department of efficiency is required to gather the estimates for the state finance committee, composed of the governor, treasurer, and auditor.

Minor changes were made in several other state budget laws by the 1923 sessions of the legislature. The Alabama budget law was amended so as to add a fourth member to the budget commission, the chief examiner of public accounts. Idaho again transferred the budget bureau, this time from the governor's office to the office of the state auditor. North Dakota made some slight changes in the budget law, principally with reference to the meetings of the budget board. Oklahoma moved backward four months the date of submitting the estimates to the governor. Utah amended its budget law to provide for a legislative procedure similar to that of Maryland without the provision restricting the legislature to striking out or reducing items in the governor's budget.

II. Working of State Budget Systems

Several interesting things have happened recently in connection with the operation of state budget systems. Some of these present certain difficulties that are being encountered. Others serve to demonstrate the value of systematic budget planning. Altogether they indicate an urgent need for a broader understanding and a more complete readjustment of state finances and administration. The budget alone cannot be expected to do everything. It has its limitations, depending upon local conditions, political situations, and administrative methods.

BUDGET LEGISLATION TESTED IN THE COURTS

One of the most important events that has taken place in connection with state budget making transpired recently in California, where the constitutional amendment and other budget legislation was tested in the state supreme court. Governor Richardson in his campaign for election stated that he would reduce the state budget by some ten million dollars. After his election he prepared a budget under the provisions of the constitutional amendment and submitted it to the legislature, which made approximately the proposed reduction. In making this reduction, however, he seems to have encroached upon the interests of some rather prominent members of the legislature. This brought on a fight in the legislature, which resulted in raising many of the items in the governor's budget. When the budget bill came to the governor for his approval, he vetoed the increases, as he had authority to do under the constitution. The legislature failed to muster the two-thirds vote required to override his vetoes, so the bill became a law as it stood.

In making up the budget bill, Governor Richardson did not include the requirements of certain state agencies that were covered by previous special authorizations of the legislature, as in the case where fees were collected and retained in a special fund for the support of the collecting agency. These, the governor maintained in his veto message, had already been provided for and therefore should not be included. When the budget became effective, July 1, 1923, the state controller refused to draw his warrant for any expenditures not included in the budget bill on the ground that the budget amendment repealed, by implication, the provisions for appropriations from special funds established for the various agencies. Immediately some five or six suits were entered to compel the controller to make payment.

The first of these cases and perhaps the most important (*Railroad Commission of California* v. *Riley, State Controller*, 218 Pac. 415) was decided by the supreme court on September 14. The court held that the budget amendment and the budget bill did not repeal special funds or revenue appropriations made by previous laws, but that such funds remained intact and that such appropriations became part of the budget regardless of whether or not they were expressly set forth in it. But the court held further that the amount appropriated in the budget bill was the maximum amount that could be spent for such purpose and any special fund was to apply on this amount before the general fund could be drawn upon. The court, therefore, refused to sustain the complainant's contention that the amount in the special fund might be expended in addition to the amount appropriated in the budget bill.

Three or four similar cases were subsequently decided on the same grounds as the preceding case. However, one of these cases (*Western Shore Lumber Co.* v. *Riley, State Controller*, 218 Pac. 761) involved the right to expend from the unexpended balance of an appropriation made in 1917 for the enlargement of the California Redwood Park. The court held that specific appropriations previously made by the legislature were unaffected by the budget amendment and enactments pursuant thereto.

The final case in the series was decided by the court on October 24. The state superintendent of public instruction sought to set aside the governor's veto of a special provision in the budget bill fixing one per cent of the appropriations for personal services in the teachers' colleges to be expended for the general administration of his office. The governor vetoed this provision on the ground that the superintendent's office was fully provided for in the direct appropriations made in the budget bill. The court sustained the governor's position. It held that the provision was an attempt to defeat the purpose of the budget amendment by making an appropriation in such form as not to be subject to executive veto.

On the whole, it appears that Governor Richardson was sustained in his budget program by the supreme court. But these decisions have not cured the general weaknesses of the state's financial system. Although the governor may cut down the appropriations, it is going to be hard for him to induce economy in carrying out the budget unless he can direct the expenditures. With so many state officers and agencies in a position where they can successfully oppose the governor's will, we may expect that they will let no opportunity pass to discredit the working of the budget system.

REDUCTIONS IN GOVERNMENTAL EXPENDITURES

Some striking reductions in governmental expenditures have recently been made through budget planning and better financial procedure. The Arizona financial code, noted above, enabled the legislature to repeal the biennial appropriations and enact a general appropriation bill for the second year of the biennium—July 1, 1922, to June 30, 1923—which greatly reduced the amount of the appropriations previously allowed. This not only brought about a reduction in the state tax rate, but the fiscal year closed with a balance of over a half of a million dollars out of a total budget of less than five millions, and besides the unprecedented condition in the state of no department having exceeded its appropriations.

In January, 1922, Governor McKelvie of Nebraska called a special session of the legislature to cut down the appropriations for the biennium then current. The legislature reduced the appropriations, according to this recommendation, by more than two million dollars, thus making it possible to reduce the state tax levy by one-third. This was the first time in the history of the state that such a thing had occurred, and it was also the first time that the state government had been run without deficiencies. This was made possible by the general financial system installed under the civil administrative code of 1919. Notwithstanding this marked progress, Governor Bryan for political reasons vigorously attacked the whole system in his messages to the 1923 legislature.

Other states have made reductions in the cost of their governments through better financial planning and management. Pennsylvania by reorganization and budget planning has greatly reduced the appropriations for the running expenses of the government during the next two years and proposes to give much better service than before. Tennessee through similar means has also made considerable reduction in the cost of the government.

NOTABLE STATE BUDGETS AND FISCAL METHODS

Although several states have had budget legislation on their statute books for almost ten years, they have made very little progress in the direction of a real budget system, that is, one that makes for careful planning and establishes control over expenditures after the appropriations have been authorized. The reason for this is that a good budget procedure must be worked out; it cannot be suddenly legislated into existence. A little time and a certain amount of skill and energy unhampered by political considerations are necessary to the establishment of a successful budget system. Among the states that have made progress in their general fiscal methods during the past five years are Illinois, Massachusetts, Nebraska, Ohio and Washington. Pennsylvania and Tennessee are now in a position to make progress because of their recent reforms. These states have established special departments, having supervision and control over the financial operations of the government, to aid the governor in budget planning and in carrying out the budget. Other states worthy of note because of the effort that has been spent in systematizing the budget information and in getting out a more or less complete budget document are Virginia, Maryland, South Carolina, Wyoming and New York.

One of the most striking developments in connection with the budget is the system of executive allotments now being applied in a few states, notably in Nebraska and Illinois. Appropriations are made to the spending agencies largely in lump sums. Before any appropriation becomes available for use, the spending agency must submit to the department of finance an allotment of the amount estimated to be required to carry on the work of the agency during each quarter of the year, and this allotment must receive the approval of the governor. The allotment may be revised quarterly with the governor's approval. This method has many good points. It forces the executive of a spending agency to have a definite work program, and to revise this program periodically according as new conditions may demand. It gives flexibility at all times to what might otherwise be rigid appropriations. It prevents overexpenditure at the end of the fiscal year if properly enforced by the department of finance. It discourages needless expenditure of funds. It enables the department of finance to determine just how much money the government is going to be called upon to expend during a given period—an important consideration from the point of view of the means-of-financing side of the budget.

A Broader Base for the Budget Plan

A most serious drawback to budget planning is the lack of proper information. Several states are trying to prepare budgets with practically no information, at least, no information in suitable form. They have no permanent staff agency or department whose business it is to get together the budget information. Their accounting system is poor, and the information that it records is unclassified. Certainly there is need in most states for a much broader base upon which to build the budget plan. A few states have made a start in this direction.

A notable piece of work has been done by the department of efficiency of Washington. This is a financial history of the state from the date of its admission into the Union (1889) up to last year. It traces throughout this period, revenues, appropriations, expenditures and reversions, together with certain special features. From it information may be had of every individual source of revenue, every function created or discontinued, every fund and its analysis, every expenditure for any purpose, and every reversion analyzed in an understandable manner. It is a valuable analysis in retrospect of the state's finances.

But a proper approach to the budget plan demands also that present conditions be analyzed and that large and important needs for the future be somewhat outlined. Virginia has attempted to analyze present conditions and to present the facts therefrom in the budget. It has studied the taxable wealth and resources within its borders and has given them a place in the budget. If more of this kind of work were done, perhaps fewer ill-advised fiscal measures would be passed by the state legislatures. There is also great need for planning over a period of years for such things as institutional plants and construction programs. Budget planning for such things should look beyond the immediate year or biennium to, at least, ten years ahead.

A great deal more might be said on this subject, but perhaps enough has been said to indicate that there is still a big task ahead if the budget is to mean what it should for state governments.

PARTY POLITICS IN ENGLISH LOCAL GOVERNMENT

I. THE ORGANIZATION AND FUNCTIONS OF LOCAL AUTHORITIES

BY JOHN J. CLARKE, M.A., F.S.S.

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We are publishing Professor Clarke's article in two installments. The present installment gives us the structure of local government; the next will tell how and to what extent political parties figure in municipal affairs. Many readers will want to file the two for reference. ::

To appreciate fully the development of party politics in English local government, it is desirable to understand clearly the constitutional position.

Local government in the older countries, and especially in England—which claims to possess the Mother of Parliaments—existed before the central administration appeared. In the newer countries the local administration is usually superimposed upon the country by the central executive. In England the opposite has applied. Our local institutions date back to the days of Alfred, but the central administration as we know it to-day dates from the twelfth century.

PRESENT FORMS COMPARATIVELY MODERN

The system of modern local government may be said to be principally the product of the latter part of the last century. For a time an effort was made to stimulate and to adapt to the new requirements the old forms of local government which had existed since the early development. This soon ceased except in county government, where the justices continued to be active long after many of the boards which were the product of the latter half of the eighteenth and the early years of the nineteenth centuries had ceased to function. There was a prolonged period of local initiative and experiment to meet the new problems of local government. In contrast to this tendency and, in the main, coming after it, there developed the national regulation of local authorities and of functions. With it there was a growing tendency, from the passing of the Local Government Acts 1888 and 1894, to consolidate and simplify local authorities and areas, rather than to the establishment of special authorities for particular duties. These two developments constituted the main feature in the latter part of the century. There was a steady change from nominated to elected authorities, and also a constant widening of the local government franchise, both as regards those who might elect and those who might be elected. An important incident of this change was the clear separation, for the first time in English local government, of administrative from judicial functions.

Among the functions of local authorities, under the stern pressure of necessity, the Poor-Law first occupied most attention. The attention of the local authorities was next directed to matters relating to police and highways. Then, after the country had become thoroughly frightened by the epidemics of cholera, came sanitation, and much later, education followed on the further extension of the franchise. Corresponding with the growth of the national regulation of local government and facilitated by the contraction of distances through the triumph of the railway, there was a steady, though not unbroken, development of central control and supervision, accepted not without reluctance, as an unavoidable part of the new system of local government, in return for the ever-increasing grants-in-aid from the Imperial exchequer.

The powers regulating the acts of local authorities may be said to be:

(a) *Parliament*, which remains the supreme authority and from whom all the powers are derived.

(b) *The common law*, which is the unwritten or traditional law of the realm.

(c) *The constitutions of the local authorities.* These are contained in the principal acts of Parliament which give the method of election, powers and duties of these bodies.

(d) *The central departments of the state*, which aim at securing efficiency in local government and a certain uniformity of administration.

THE DIFFERENT UNITS OF LOCAL GOVERNMENT

The following is a summary of the different classes of local authorities as submitted by Mr. I. G. Gibbon, C.B.E., an assistant secretary of the ministry of health, in his evidence before the Royal Commission on Local Government on 13th April, 1923.

Classes of Local Authorities and Number in Each Class

Classes of local authorities	*Number of separate authorities having financial transactions during the year 1920–21*
County councils:	
London County Council	*1
Other county councils	*61
Joint committees of county councils[1]	11
Council of the Isles of Scilly	*1
Corporation of the City of London	*1
Receiver for the Metropolitan police district	*1
Metropolitan borough councils	*28
Town councils:	
Councils of county boroughs	*82
Councils of other municipal boroughs	*247
Urban district councils, for districts other than boroughs	*791
Rural district councils (for 658 rural districts)	*648
Managers of the Metropolitan asylum district	*1
Boards of guardians:	
Poor law unions in the administrative county of London	*28
Other poor law unions	*614

[1] These are the numbers of local authorities on 1st April, 1922. The other numbers indicate those which had financial transactions during the year 1920–21, that being the latest year for which particulars are available. The total number of rural parishes in England and Wales is 12,850, of which (approximately) 7,200 have a parish council and 5,650 are without such a council.

Poor law joint committees (including managers of poor law school and sick asylum districts, other than the Metropolitan asylum district)	16
Parish councils	6,225
Parish meetings	353
Separate bodies of overseers of the poor (number of parishes outside London)	*14,373
Burial boards	142
Joint boards and other joint authorities for special purposes:	
Hospitals	218
Burial grounds	231
Fuel and lighting	73
Sewerage	45
Water undertakings	36
Education	33
Miscellaneous	103
	739
Visiting committees of lunatic asylums (number of asylums)	91
Local authorities carrying on harbor, dock, pier, canal and quay undertakings (excluding councils of boroughs and urban districts)	55
Commissioners of sewers, land drainage boards, and other drainage and embankment authorities and river conservancy authorities	326
Port sanitary authorities, being joint boards	29
Central (unemployed) body for London, and distress committees for boroughs and urban districts outside London	45
Conservators of commons and trustees of certain open spaces	14
Lighting inspectors, and committees for lighting appointed under s. 53 (2) of the L. G. Act, 1894	20
Commissioners of markets	3
Governing bodies of county school and scholarship districts in Wales and Monmouthshire	99
Boards of conservators under the salmon and freshwater fisheries acts, 1861–1892	45
Local (sea) fisheries committees (excluding the C. C.s and two boards of conservators acting as local fisheries committees)	9
Bridge and ferry trustees	4
Library commissioners (Bolton Percy)	1
Total	25,104

Of these local authorities the following are the more important and may be classified in the following main groups:

1. (a) The county council under the Local Government Act, 1888.
   (b) The county borough council.
2. In boroughs (other than county boroughs) the town council under the Municipal Corporation Act, 1882.
3. In county areas under the Local Government Act, 1894:
   - (a) The urban district council.
   - (b) Rural.
     - (i) The rural district council.
     - (ii) The parish council or meeting.
4. Poor law unions under boards of guardians created by the Poor Law Amendment Act, 1834.

POWERS OF LOCAL UNITS

A brief account of the constitution, powers and duties of these local authorities may serve to illustrate the relative importance of these bodies.[1]

(a) *County Councils.*—A council is elected for each "administrative county," which is the same as a geographical county, except that the largest towns (called "county boroughs") are not included, and some geographical counties are divided into two or more administrative counties.

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[1] See *Local Government of the United Kingdom.* By the present author. Second Edition (Pitman).

The principal matters with which county councils are concerned are: Education (only elementary education in rural and the smaller urban areas); main roads; lunatics and mental deficients; small holdings; pollution of rivers; weights and measures; diseases of animals; sale of food and drugs; maternity and child welfare; tuberculosis; venereal diseases.

The county council exercises control in some respects over the minor local authorities. It has power to alter boundaries, to give increased power within certain limits, and, if necessary, to act in default.

(b) *County Boroughs,*—These are the largest towns, almost all being over 50,000 population. They have the same powers and duties as the county councils and also those of town and urban district councils, and are entirely independent of the county councils.

(c) *Municipal Boroughs and Urban Districts.*—These include all towns other than county boroughs. Municipal boroughs are the towns which have received a charter of incorporation and have a mayor.

The town (and urban district) councils are the local sanitary authorities, and are responsible for the good government of the towns in all respects including: Maintenance and cleansing of streets and roads; responsibility for administration of acts relating to the housing of the working classes; sewerage and sewage disposal; water supply; hospitals; baths and wash-houses; parks and cemeteries; abatement of nuisances; inspection of food; fire prevention; maternity and child welfare; public libraries and museums.

Boroughs over 10,000 population and urban districts over 20,000 are also responsible for elementary education.

The large towns can also obtain powers to run their tramways, to manufacture and supply gas or electricity, to own and manage markets and harbors, or to enter upon other undertakings of a similar nature for the benefit of the community.

(d) *Rural Districts.*—The whole of an administrative county outside the boroughs and urban districts is divided into rural districts.

Rural district councils are also sanitary authorities, but they have not so many powers as the urban districts, although urban powers can be specially given them. They are also the authorities for housing and for maintaining all roads other than main roads, but they have no education powers.

(e) *Parish Councils and Parish Meetings.*—Every rural district is divided into parishes. Every parish has a parish meeting, and each parish over 300 population has an elected parish council, and those between 100 and 300 have one if they wish.

The chief duties of parish councils are the appointment of overseers and assistant overseers, the provision of allotments and the care of footpaths. They can also provide parish rooms, public libraries, wash-houses, recreation grounds and village greens.

(f) *Board of Guardians.*—The area of each of these bodies usually coincides with that of a rural district, together with the urban districts geographically within them. Their business is the administration of the Poor Law, vaccination, assessment and registration of births, deaths and marriages.

(g) *Police Authorities.*—Many of the boroughs are themselves police authorities, and in these cases act through a "Watch Committee."

In the administrative counties, including those boroughs which are not their own police authority, the authority is a "standing joint committee" of the county council and the county justices.

The police for London and the surrounding district are directly under the home office.

(h) *London.*—The London County Council has various powers not possessed by other county councils, of which perhaps the most important are those of housing the working classes and of clearing large slum areas and rebuilding on the site. It has not, however, any main roads under its care.

London is also divided into 28 metropolitan boroughs, which are the sanitary authorities, and have much the same powers as the provincial boroughs. The City of London retains its ancient and historical Common Council. There are also boards of guardians within the metropolis and other *ad hoc* authorities such as the Metropolitan Asylum Board and the Metropolitan Water Board.

FINANCE

Local authorities obtain the money they require to carry out their duties from four main sources:

(a) Rates.
(b) Government grants.
(c) Trading profits and payments for services, and
(d) Loans.

(a) *Rates.*—These are local taxes levied on land and buildings, which are the only things local authorities have power to tax. The "local taxation licenses" (*i.e.*, on carriages, guns, dogs, etc.) are really government taxes collected by the local authorities, a proportion being refunded to them as a grant. The larger authorities are not limited as to the amount they may raise by means of rates. Parish councils may not levy a rate of more than 3d. in the £ without the consent of the parish meeting, and even with the consent they may not levy a rate of more than 6d. in the £ *exclusive* of expenditure under certain "adoptive" acts.

(b) *Government Grants.*—In recognition of the fact that much of the work done by local authorities is national in character, large grants are made to them out of the National exchequer for different purposes. Thus, half the cost of the police and about half the cost of education are paid for in this way, and grants are also given for the treatment of tuberculosis and for many other services.

(c) *Trading Profits and Payments for Services.*—This source of income is practically confined to the larger towns, and, of course, varies considerably in amount. Some towns make a profit out of their markets, tramway services, their electric light and power stations, or some other commercial undertaking upon which they have embarked. Opinion is divided as to whether it is desirable for local authorities to make profits.

(d) *Loans.*—When a local authority requires money for some work of a permanent nature, such as the building of a school, the purchase of land for small holdings or the erection of working-class dwellings, they usually spread the cost over a number of years (from twenty to eighty according to the purpose) by borrowing the money and paying it back by installments with interest. The sanction of a government department is required before raising such a loan, and the money may be borrowed from a government office called the public works loan commissioners, or elsewhere. This is one of the most important powers of the control vested in the central government, as, of course, their consent may be withheld to a proposed loan on grounds not necessarily referring to that loan.

SUFFRAGE

The right to vote at local government elections rests upon the ownership or occupation of land, houses, or other property which is rated, and upon residence for six months. To have a vote a man must be 21 years of age, or 19 in the case of soldiers and sailors, and must be free from legal disqualification.

Caretakers, coachmen, gardeners, railway workers and others living in houses by virtue of their service or employment are entitled to the vote if their employer does not live in the house.

A lodger is only entitled to the vote where his rooms are let to him unfurnished.

A woman is entitled to be registered as a local government elector:

(1) Where she would be entitled to be so registered if she were a man; and

(2) Where she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside. In this case she must, however, be at least 30 years of age, and must be free from legal disqualification.

A soldier or sailor does not lose a vote which he would have had in respect of his home if he had not been serving in the army or navy.

ELECTIONS

Election of local authorities is usually by ballot after a candidate has been nominated by two or more electors. In the case of a parish council, however, the election is generally by show of hands unless a poll is demanded. Since 1914, any person who has resided for twelve months within a county or borough is eligible for election to the council, and any local government elector may be elected to the other authorities. Women are no longer disqualified by sex or marriage from being members of local authorities.

The local authorities are renewed, wholly or in part, at fixed intervals—usually three years. The intention is that the representatives may be kept in correspondence with the opinions current among the electing body. While such is the intention of the representative system, in practice the balance of opinion in the local councils upon the most important issues before them is often widely different from that prevailing among the citizens. Representation in the case of a borough, for example, turns upon securing ward majorities. A minority spread evenly over a borough may be altogether unrepresented. If, however, its forces are more fortunately distributed, it may get representation much in excess of its due.

On the other hand, cases are not infrequent where the relative representation of various parties is distorted to the point of absurdity. This is very well illustrated by the following table showing the result of the municipal elections in the city of Liverpool in November, 1922.

TABLE SHOWING HOW REPRESENTATION WAS DISTORTED BY LIVERPOOL ELECTION, NOVEMBER 1, 1922

Party	Candidates	Poll	Seats won	Seats in proportion to votes
Conservative	15	50,270	15	10
Labor	19	34,372	1	7
Liberal	6	11,463	2	2
Nationalist	13	9,184	3	2
Protestant	3	3,720	1	1
Independent	3	2,632	nil	
Co-Liberal	1	1,821	nil	1
Communist	1	2,181	1	
	61	115,643	23	23

THE CONTROLLER AND THE MUNICIPAL CHARTER

(With Special Reference to City Manager Charters)

BY WILLIAM WATSON
New York Bureau of Municipal Research

The functions of the controller should be expressed in standards rather than in methods which are continually changing. :: :: ::

The common conception of the city controller is rather vague. He seems to be regarded in a way as a not too benevolent detective with mathematical propensities; a sort of crotchy public rooter for "sterling qualities" in office; a humored watchdog, sometimes rather provokingly noisy, particularly when the electorate wants to sleep. His office is commonly regarded as the place where "red-tape" is manufactured and dry as dust figures and statistics are ground out. A pertinent article[1] in a recent REVIEW told that even high authorities had failed to exhibit comprehension of a controller's functions. Although city manager charters are documents of a heralded modern movement in government, in most of them, as in older charters, the expression of the controller's functions is as inadequate as it is varied. They, too, seem to have only scouted a full conception of the controller's functions.

In view of what seems to be a poverty of formulated opinion on the controller's functions and their expression in the charter, it is thought that a statement of principles will not be disdained, may fill a need or at least will clarify debate.

AN OUTLINE OF THE CONTROLLER'S FUNCTIONS

The officer referred to in this discussion as controller is the controlling financial executive, irrespective of his local title. The functions of city controller may be briefly stated in general terms as follows: (1) To see that all the revenue and other receipts are legally, honestly and accurately collected and deposited to the city's credit or satisfactorily accounted for; (2) to see that disbursement of cash is not made unless the expenditure involved is legal, honest and accurate; (3) to provide financial information that will be complete for administrative purposes and for legislative and citizen appraisal of financial management. The function of presenting financial statements is not put last to indicate its relative importance. In order of importance, it could as well be stated first. The controller, or comparable official, frequently has other functions or duties that are ex-officio or that may be delegated to him as chief financial officer. He might also justly be assigned the functions which would cover an audit of operating managment and methods. Those are not pertinent, however, to this discussion of his functions only as controlling financial executive.

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[1] "The United States Comptroller General and his Opportunities," by Wm. H. Allen, NATIONAL MUNICIPAL REVIEW, February, 1923.

The scope of action to be taken by the controller, required by a literal interpretation of the functions enumerated above, is presented in outline form as follows:

I. *Establish the facts necessary to determine whether financial transactions are legal, honest and accurate.* This action comprises what is known as "auditing." Taken in conjunction with (II) below, a "continuous" or "pre-audit" is provided for. The facts to be established are divided into two main classes, A and B, as follows:

A. *Facts about transactions that result in revenues and other receipts:*

1. *Whether the correct amounts accrued before collection are completely recorded.* Examples of such accruals are taxes, special assessments, water rents and miscellaneous sales.

2. *Whether the above amounts are collected at the time provided or otherwise satisfactorily accounted for.* This action extends to the controller's seeing that provisions for tax sales are complied with.

3. *Whether collections coincident with accrual are for the correct amount established by law or executive order.* Examples of such collections are those from licenses, permits and fees.

4. *Whether all collections are promptly deposited to the credit of the government.*

5. *Whether the legal or executive provisions for the safe custody of the city's cash are complied with.* Examples of such provisions are those for security to be furnished by city depositories, limit upon amount of bank balances, satisfactory financial condition of banks chosen as depositories and surety bonds of individuals who are custodians.

B. *Facts about transactions that result in expenditure.* (These facts are subdivided into classes: a, b, c.)

(a) *Facts about transactions evidenced by claims only for personal service.* These claims include payrolls.

1. *Whether the payees were actually employed in the service of the city.* Was the payroll padded with fictitious names?

2. *Whether the payees were employed in accordance with whatever employment regulations, civil service or other, that are in effect.*

3. *Whether the time credited to each payee was earned.* Was the payroll padded with more time than the employees put in?

4. *Whether the respective rates of pay appearing on the claim are those specified by salary or wage regulations or agreements.* Did the operating executive or supervising employee slip over an unauthorized increase in pay rate?

(b) *Facts about transactions evidenced by claims only for expenditure other than for personal service.* These claims include those covering purchase of supplies, materials, equipment and contractual services.

1. *Whether the quantities of commodities or services specified in the claim were actually received by the city for its use or benefit.* Is the approval on an invoice by an operating executive merely perfunctory or is his approval warranted by the facts in the case?

2. *Whether the quality of commodities or character of services received agreed with that represented in the claim.*

3. *Whether the unit price, quality or other terms of payment stated in the claim agreed with the terms of the purchase order or contract.*

(c) *Facts about transactions evidenced by claims for any expenditure.*

1. *Whether the extensions and footings of amounts in the claim are arithmetically correct.*

2. *Whether the claim has been paid previously.*

3. *Whether the amount of the claim will exceed the balance of the appropriation or special fund authorization for the expenditure after unfilled purchase*

orders and contracts have been allowed for. This balance of appropriation or special fund authorization is not to be confused with the cash belonging to the fund. In some instances of special funds, the amount of fund cash and the amount of unexpended authorization may be identical. In other instances, however, there may be ample fund cash but the authorization may be exhausted. A corollary to this condition is found in (4) following.

4. *Whether the payment of the claim will create an overdraft on the cash belonging to the fund from which the claim is legally payable.* This cash is not to be confused with appropriation or special fund authorization. There could be an ample unexpended balance of the expenditure authorization and plenty of cash in the bank but no cash in the fund from which the claim is payable.

5. *Whether the fund and appropriation against which the claim is reported to apply are those legally provided for the expenditure involved.*

6. *Whether the government service or activity against which the claim is reported to apply is the one for which the expenditure involved was created.*

7. *Whether the payment made by the disbursing officer is for only the amount audited and ordered paid.*

8. *Whether the personal receipt of each payee is obtained.* This provision does not mean, in the case of payrolls, that the payee shall sign the payroll. The signature purported to be the payee's may or may not be his. A check drawn to the order of the payee and endorsed by him would be a better receipt.

II. *Finally authorize the completion or closing of financial transactions only after he has determined that they are legal, honest and accurate.* This action requires a "continuous audit." That is, the facts outlined in (I-A) must be established daily and before the obligations of collecting officers for the day are discharged by the controller; the facts in (I-B) must be established before disbursement of cash is made. This action requires also that the controller's authorization cannot be countermanded by other executive or legislative authority (unless the legal increase of appropriation can be regarded as a countermand).

III. *Prepare financial statements as of specified dates and periods in which the audited transactions are correctly interpreted to show the analysis of their effect upon financial condition and the economy or waste of methods.* A thorough discussion of the exact nature of these statements involves an exposition of highly controversial matters. One of the latest controversies suggested is whether city reports should contain economic interpretations of the finances of the government. For the purposes of this article, however, it is sufficient to limit the controller's report to one on financial management. The older controversies upon the form of statements are a matter of technique rather than definition of the controller's job. A definition of the contents of the statements in great detail may also be omitted from this discussion. The presentation of summarized and detailed information on the following subjects, however, should be emphasized:

1. *The expendable accrued assets, incurred liabilities against those assets and the resulting expendable surplus or deficit.*

2. *The resources and obligations of each public fund and the resulting surplus available for further appropriation or deficit to be financed.* (Appropriation balances would be included as fund obligations.)

3. *The description and cost of the permanent property and stores owned and the summarized transactions therein.*

4. *The condition of the bonded debt and sinking funds.*

5. *The expenditure and unit costs of each of the various organization units and activities of the government, the means of financing employed, and the resulting surplus or deficit for the fiscal period.*

6. *The assets and liabilities of private funds held by the government.*

IV. *Maintain public records of transactions, the various actions in connection with them and of his interpretation of their effect upon the finances of the government; he will use methods of recording, that will insure accuracy of the records, that will eliminate mystery and ambiguity in the information recorded and that will operate as simply as possible.*

It will be observed that throughout the outline presented, methods or systems of accounting have not been specified. We are concerned here with what the controller has to do rather than the way in which he is to do it. The matter of method is a technical one, involving billing systems, forms of financial stationery, detailed document procedure, classification and description of accounts, ledgers, registers, etc. The use of the best methods will probably follow, if the action to be taken by the controller is comprehensive.

PRINCIPLES FOR THE EXPRESSION OF THE CONTROLLER'S FUNCTIONS IN THE CHARTER

Approaching the subject of what a charter ought to contain and what ought to be left to provision of ordinances and executive order, the writer defers to those who are qualified to speak authoritatively. Nevertheless, experience with governmental surveys and drafting and installing accounting systems has indicated that municipal charters commonly hamper rather than authorize the establishment of the means of complete fiscal control and information. They frequently require the continuation of details of routine that have become merely expensive and troublesome formalities.

The reason that is true is because the charters omit provision for "standards"[1] to be maintained while providing for details of method. For example, the way a record book shall be ruled, where and how documents shall be filed, the kind of paper on which a report shall be printed and the size of type to be used in printing are provisions for method and most unimportant method at that. Even provisions for important method such as the titles and form of accounts or the approvals of documents, although they may operate to induce requisite standards, will not necessarily insure them. Method may be one thing to-day, another to-morrow. Depending upon the technical experience of the drafters of a charter, required method may impose upon administration the "age of the quill-pen" or controversial technique. Charter provisions for method open the door to evasion or quibbling and will often hamper a competent and conscientious official. At best such provisions are an indirect, if not a fumbling or groping way to express the fundamental law of the city.

A fair example of what is meant by expression in terms of standards rather than method is the outline of the controller's functions, presented previously. The expression of charter provisions in terms of standards, while permitting flexibility in the adoption of method, requires definite accomplishment. It is the comprehensive, direct manner of expressing what the charter usually intends to provide. Charter authorities generally acknowledge this principle if they do not always consistently apply it.

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[1] "The Modern City and its Government," by Capes, Chapter VII, PP. 83 and 84.

The exact form of statement of the charter provisions for the functions of the controller is not attempted here. It is perhaps controversial whether the charter should provide at all for administrative organization. If it should, certainly then the expression of the controller's functions in the charter should comprehend those that are outlined previously.

The manner of appointment of the controller and the legislative audit are not in the category of controller's functions. These features are commented upon below, however, because they are important provisions affecting the administration of the controller's functions.

Should the controller be appointed by the city manager (in other charters, the chief executive), appointed by the legislative body or elected? We have no desire to prod our readers with this debated question. Forthwith, then, the opinion is expressed here, for the purposes of this article, that he should be appointed by the city manager. That is heresy to some respected authorities, but our present state of enlightenment leads to that conclusion. The reason, briefly stated, is that the controller is an officer of the manager's administrative organization. It is thought that this assertion will stand the test of argument.

The legislative periodical audit of the controller's report provides the necessary safeguard against possible intimidation of the controller by the manager. For practical purposes that audit need be no more than what is technically known as a "balance-sheet audit." It is in the same category as that kind of audit made for the benefit of directors and investors in a corporation by a public accounting firm. The financial statements of the controller would be verified from the records and a test audit made of vouchers and of the accuracy of the record of transactions. It may also be considered sufficient in smaller organizations to have this audit made at the end of the administrative period. In order to fulfill the purposes of such an audit, it is necessary that it be made by a technically qualified person who is not responsible directly or indirectly to the manager.

In the above outline of the controller's functions he is given no responsibility, direct or indirect, for the accrual, collection or custody of receipts (including the assessment of property), or the incurring of expenditure or disbursement of cash (including the administration of operating departments). In the charter, provision should be made which would exclude the controller from performing those functions. This assertion is based upon the recognized principle that the controller should not be a party to the transactions which he is to audit. An exception can reasonably be made of the comparatively small expenditure for his own office when there is no central purchasing or employing agency.

The principles to be observed in expressing the controller's functions in the charter may be briefly summarized as follows:

1. *The controller's functions should be stated in terms of standards rather than methods.*

2. *The provisions for the controller's duties should comprehend those outlined previously.*

3. *The controller should be appointed by the city manager* (in other charters, the chief executive). The appointment of the controller (or comparable officer) by a superior officer who is himself an appointee of the city manager is not admitted as a violation of this principle. It is not admitted as a qualification of the principle, either, because it is open to attack at least on the ground of inconsistency with (5) below.

4. *There should be a limited or "balance-sheet" audit of the controller periodically under the auspices of the legislative body. This audit in small organizations may be made at the end of the administrative period.*

5. *The controller should not have direct or indirect responsibility for the accrual, collection or custody of receipts, the incurring of expenditure or the disbursement of cash.*

6. *The necessary legal provision should be included to give the controller final and undivided authority to approve the legality, honesty and accuracy of transactions, to make any investigation involving those matters and to prescribe accounting procedure.*

ILLUSTRATIONS FROM CITY MANAGER CHARTERS

Brief comment upon some typical charter provisions will illustrate the foregoing principles. The selection of these provisions from city manager charters will also serve to substantiate the assertion made in the opening paragraph of this discussion about the expression of the controller's functions in city manager charters. The comments upon provisions are classified below under a, b, c, d, e, f and g.

(a) The absence of any provision for a controller in city manager charters is not uncommon. This statement does not include those charters containing provisions of the following nature: (1) An officer constituted or permitted to function as the controlling financial executive but designated by a title other than controller; (2) the controller's functions distributed between two or more officers.

Examples of (1) are in the charters of a number of smaller municipalities where there is provided an officer who is designated variously as clerk, secretary, accountant and recorder. This office often has latent or implied powers of a controller, however, or is constituted to function as such. Or in some charters there may be an officer provided who is designated by such titles as auditor or commissioner of accounts, who is designated to perform such of the controller's functions as are provided for.

The Dayton and Cleveland charters are examples of (2). In the Dayton charter the city accountant functions in certain respects as a controller, sharing a controller's auditing powers with the auditors who are public accountants appointed by the commission and a controller's authority to act upon purchase orders and contracts with his superior, the director of finance. The Cleveland charter is similar in these respects; the office of city accountant is designated instead as commissioner of accounts.

In certain other charters, however, there is no office either designated as controller, given powers or so constituted that it could function even in part as that of a controller. These are the charters meant when it is stated that there is no controller provided for.

(b) There is scarcely a thoroughgoing example of expression of the controller's functions in terms of standards rather than method.

Legal technique in drafting charters or local considerations of expediency may possibly require a lapse at times into statements of charter provisions in terms of method. Such a circumstance may account for the provision for "appropriation accounts" in the Cleveland charter, although the purposes to be served by appropriation accounts are provided for elsewhere in that charter. In many other charters, however, dependence is placed almost entirely upon provision for method to the exclusion of provision for standards. Some of the more common of such provisions are those requiring that claims shall be itemized, that claims must be sworn to by the claimant, that claimants may be questioned, that claims must be approved by certain executives. There is nothing in these provisions that will necessarily of itself or together insure official responsibility for the legality, honesty and accuracy of the transactions that are involved. A most illegal, dishonest or inaccurate claim may be itemized in the minutest detail. A claimant who renders a dishonest claim will be only intimidated but not prevented in the act by taking an oath. If the claim is innocently inaccurate, the oath will not correct the error. If the validity of the claim has not been established by the process of audit, it will be of little value, except in a case of litigation, to require the claimant to take an oath. An executive may occupy himself at putting his signed approval on claims for an hour at a time without examining one of them or knowing whether they are right or wrong.

It is not intended to imply that these various steps in procedure are not valuable to the controller in determining whether a claim shall be paid. Certainly he could not intelligently pass upon a claim that was not itemized, while the other steps in procedure are valuable to him as evidence and as a record of the authority on which he based his action. The point is, which will bear repetition, that complete auditing control is not provided for when the provisions are in the form of isolated details of method instead of the standards comprehended in the outline of the functions of the controller. As stated previously, the opportunity for evasion is presented. On the other hand, a competent official may be seriously hampered by charter provisions for method. For example, in the Cleveland charter it is required that the "unencumbered balance" be shown in the "appropriation accounts." Some advanced technicians do not now show the unencumbered balance in the appropriation accounts —but instead by means of an "encumbrance file." Thus, if the commissioner of accounts in Cleveland wished to introduce a thoroughly up-to-date accounting system, he would be hampered in that respect at least.

(c) In numerous charters examined with a certain degree of analysis, there was found a general lack of complete provision for the functions of a controller, if his functions as comprehended in the preceding outline are accepted. This usually results when the controller's functions are expressed in terms of method as illustrated above.

(d) Examples were observed in existing city manager charters of the following variations in provision for the appointment of the controller by the manager: (1) Manager appoints officer designated specifically as controller (or comptroller) and functioning as such; (2) manager appoints officer designated by another title but functioning as a controller; (3) specified that manager appoint all officers, named or unnamed, which would include controller; (4) implied that manager appoint all officers (which would include controller); (5) manager appoints controller's superior officer who in turn appoints controller (or comparable officer); (6) manager himself functions as a controller (under another title). The last type could frequently be obviated by a redistribution of functions in existing offices so that neither the manager need act as controller nor a new position be created.

(e) In the larger number of charters the controller (or auditor, etc.) is either popularly elected or appointed by the legislative body. With such a provision it is not necessary to provide for a legislative audit. When the provision is made for legislative audit, it is usually through a board of auditors who have no particular qualifications as such or through a public accountant employed to audit. The audit secured through a board of auditors is usually apt to be more or less perfunctory. If a real audit is expected, necessary qualifications should be attached to the appointees. Cleveland and Dayton are examples of the rather unique type where the auditors appointed by the legislative body also share a controller's functions of continuous audit. Sharing the controller's functions does not violate the principle of legislative audit, but it does intrude upon the principle of centralizing the controller's functions in one officer appointed by the manager or his appointee.

(f) In a number of charters the controller is given or permitted either direct or indirect responsibility for the accrual, collection and custody of receipts and the incurring of expenditure or disbursement of cash. Perhaps the most specific provisions of this nature are contained in the Sacramento charter. There is this to be said for the Sacramento charter, however, that the wide range of functions given to the controller appears to be deliberate and the result of definitized opinion. In many of the charters the scrambling of controller's functions with those that should belong to other officers appears to have happened in the dark. In some of those charters the controller (irrespective of whether he is titled auditor, clerk, secretary, accountant or recorder) may or shall be assessor. In others he is required to collect or handle moneys. In still others there are no provisions which would prohibit his collecting or handling money.

(g) A division of a controller's power to authorize or close transactions is not uncommonly provided for. This division of powers, so far as observed, takes two forms: (1) the power to authorize cash disbursements can be countermanded by the legislative body, as in the charters of Alameda, Alhambra, Long Beach and Glendale, California; and New Smyrna, Florida; (2) certain powers of continuous audit and authorization of the incurring of expenditure are held by or shared between two or more officials, as in the Dayton and Cleveland charters.

The latter form of division of powers is regarded with skepticism if there is anything in the principle of centralization of related functions in one official. The former form of division of powers is regarded as ridiculous or iniquitous. It would seem to imply one of several things: Either a claim can be right when a responsible official after due investigation has produced facts to show it is wrong; or there can be an issue of opinion or judgment in a matter of pure fact; or there is a question of policy about paying a claim that is known to be illegal, dishonest or incorrect. The iniquity lies in the last implication in that it can be interpreted to cover distribution of spoils of legislative office.

OUR LEGISLATIVE MILLS

VI. MASSACHUSETTS, DIFFERENT FROM THE OTHERS

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THE Massachusetts legislature or General Court, as it is designated in the constitution, consists of a house of 240 members and a senate of 40 elected for a term of two years. Until recently the term was only one year but it was found that annual elections placed an excessive burden upon the electorate, increased the expense of government and that frequent campaigns interfered with the work of the members. As a result the constitution was amended in 1918 to provide for biennial elections. The members receive $1,500 per year. The legislature meets annually and there is no restriction on the length of the session, which usually continues for five or six months. There has recently been some agitation in favor of biennial sessions, but in 1923 the legislature rejected a proposed constitutional amendment authorizing such a change.

Unlike the legislatures of most of the New England states, especially Connecticut, Rhode Island, and New Hampshire, representation in both the house and senate is based upon population and not according to local units of government and there are no limitations designed to restrict urban representation. This eliminates the "rotten borough" system which prevails to some extent in other parts of New England and also avoids one of the most serious problems in state government, namely that of discrimination against representation from cities.

FEATURES OF MASSACHUSETTS SYSTEM

The late Professor Reinsch wrote in 1906: "The General Court of Massachusetts is in all respects nearest the people, and most responsive of any American legislature to intelligent public opinion." (*American Legislatures and Legislative Methods*, p. 174.) Writing a dozen years later in 1918, Dr. H. W. Dodds expresses the opinion that "It is not too much to say that the success of Massachusetts, the state in which the committee system is most highly developed, is due in considerable measure to her joint committees. . . . Massachusetts avoids the tumult of the last days more successfully than do other states." (*Procedure in State Legislatures*, pp. 50, 99.) Dr. W. F. Dodd in his recent book on *State Government* (1922) bears out a similar conclusion when he writes: "In Massachusetts each step upon a bill is substantially forced after the preceding step has been taken. The legislative organization there is far from perfect; indeed Massachusetts is one of the states in which there is still a great abuse in the matter of laws of special application. But in respect to general procedure much can be learned by other states from the Massachusetts rules." It is significant that none of these authorities is a resident of Massachusetts so that their opinions are free from any suspicion of native partiality.

What are the reasons for the relative

success which the Massachusetts legislature has achieved? The answer to this question is to be found in the absence of any limitation upon the length of the session; the joint committee system; the custom that every proposed bill should be given a public hearing before a committee; the rule in regard to the date for introducing measures; the rules requiring not only that all measures be reported out of committee but that such reports shall be made before a certain date; the absence of committees highly privileged under the rules; the leadership of the speaker and president of the senate; the governor's influence upon legislation; the recent budget system; the wide use of unpaid special commissions to investigate and report on proposed legislation of importance; and the central location of the state capital.

JOINT COMMITTEE SYSTEM

All of the standing committees except those on ways and means, judiciary and the procedural committees on rules, engrossed bills, bills in the third reading and the house committees on elections and pay roll are joint committees. For certain purposes the separate committees on rules meet jointly, the committees on judiciary almost always meet jointly, and since 1920 by special arrangement the house and senate committees on ways and means have held joint sessions on the budget so that practically all the work is by joint committees. The committees consist usually of three or four members from the senate and eight or eleven from the house and a senator is always chairman. A member from the house is selected as clerk of the committee thus eliminating the expense and political abuse involved in employing paid secretaries for such work. This method of providing for committee clerks has also been highly satisfactory from the point of view of efficiency because there is an incentive on the part of the clerk to handle the affairs of his committee in a thorough and business-like manner in order to obtain important committee appointments and possibly a chairmanship in the future.

After consideration by a joint committee bills are reported to either branch, except money bills which are always reported to the lower house, an attempt being made to secure an equal distribution of business between the two houses. If passed the bill goes directly on the calendar of the other house without a second committee stage. The joint committee system saves time and effort on the part of the members of the legislature and also that of the citizens who oppose or favor a measure; it makes possible a more careful and thorough consideration of measures; gives the less experienced members of the house the benefit of the advice and suggestions from the older members of the senate; avoids shifting of responsibility and tends to reduce friction between the houses thus securing some of the advantages of a unicameral system without any of its defects. In other states there seems to be a somewhat fanciful objection to the joint committee system on the ground that the larger number of representatives could outvote the senators and that trouble would arise over assigning the chairmanship to a senator, but in Massachusetts this has caused no difficulty and there is not a trace of friction.

There are at present thirty joint committees. Each senator is on three or four such committees and if he belongs to the majority party, is generally the chairman of at least one. Each representative usually serves on one or two committees and there is a rule that no member shall be required to be chairman of more than one. As in all legislative bodies certain committees such as those on ways and means, judiciary, cities, etc., are the most heavily burdened but there is a fairly equitable distribution of business among the other committees, only about nine of which received in 1923 less than twenty-five bills. While there are perhaps a few more committees than necessary the multiplicity existing in many states is avoided; members do not find their efforts divided among six to nine different committees as in some other legislative bodies and practically all of the committees are integral parts of the legislative system carrying a fair amount of business.

None of the committees is especially privileged in regard to the control of debate or in the reporting of bills referred to it. The committee on rules in each branch is, however, a rather powerful body. The presiding officer of each house is chairman of his respective committee and the majority floor leader as well as the leading members of the house and senate have seats thereon. To this committee are referred all measures that are introduced after the date set for the filing of bills and the committee reports to its respective house whether or not the rule shall be suspended to allow introduction. Other matters such as orders authorizing committees to travel or to employ stenographers or involving special investigations go to this committee for report. The committees on ways and means and judiciary also have rather large influence due to their importance and because of the fact that they contain among their membership the leaders of the majority party. But these committees do not derive their prestige from rules which give them control over debate or permit them to change the regular order of business.

PUBLIC HEARINGS AND CHECKS ON COMMITTEES

Custom requires that every bill no matter how trivial or unimportant should be given a public hearing before a committee, the date of which is publicly advertised, through the newspapers and by official bulletins. Oftentimes it is necessary to give more than one hearing on a measure and in fact the more important hearings may extend over several days. The committee hearings are for the most part conducted in an orderly fashion with ample opportunity to both the opponents and proponents to present their arguments. Hearings on measures of importance to the general public or to a large group of citizens are well attended and the proceedings are fully reported by the press of metropolitan Boston. The writer has seen as many as five or six hundred persons at a committee hearing on some important bill, such as proposals for repealing the daylight saving law, increasing the fees on motor vehicles, prohibition enforcement, granting equal pay to men and women teachers, etc. This system produces results that are highly satisfactory. It gives interested parties an opportunity to express their opinions and air their grievances. At the same time the members obtain valuable information on proposed legislation and are able to gauge the extent of popular demand for measures submitted for their consideration, while the general public is educated through the newspaper accounts. The successful working of this system is undoubtedly due in large measure to the location of the capitol at Boston in the center of a metropolitan area containing about half the population of the state and within easy reach of three-quarters of the people of the commonwealth. Although considerable publicity is given to the hearings, especially the important ones, through the newspapers, it is unfortunate that the committees do not keep official records of such hearings nor of their executive sessions which are accessible to the public.

Committees not only grant a public hearing on each measure but the joint rules require that every bill shall be reported to the whole house on or before the second Wednesday in March which may be and usually is extended to the second Wednesday in April. Upon the expiration of this period all measures in possession of a committee must be reported within three days. This report must recommend that such bills be referred to the "next General Court," which means that the measure goes over to the next session when it may be taken from the files by any member. This report is used in cases where the committee is unable or does not wish to reach agreement. But at this stage any member may move that the original bill be substituted for the report "reference to the next General Court" and if such a motion receives the required majority the measure is brought before the whole house. Every measure must, therefore, be reported by the committee to which it has been referred prior to the last month or two of the session either favorably, adversely, or by "reference to the next General Court." Committees are thus kept from pigeonholing measures in such a manner that they never see the light of day, while the rule requiring report before a certain date avoids the last-minute rush which is common in many legislative bodies at the close of the session. The rule requiring a report on all measures of course lengthens the sessions, but it has the advantage of getting all business before the legislature in time to dispose of it in an orderly fashion.

LEGISLATION FORCED STEP BY STEP

Measures reported out of committee go on the calendar of either branch, except money bills which are reported to the house, and are taken up in a specified order which cannot be set aside except by unanimous consent or a special majority and which must be completed as noted above before the expiration of the session. It is the practice of the present speaker to lay before the members of the house each week information showing the number of bills referred to each committee, the number reported by each to date, and the number still in committee as compared with the status at the same period in previous years. Recently this data has appeared weekly in the house journal. This practice keeps the members informed as to the progress of legislation and has been responsible for producing competition among the committees to finish their work as speedily as possible. Another helpful feature is the weekly publication of a "Bulletin of Committee Work and Business," which shows the committee to which each measure has been referred, the date set for hearings, the committee report, the action by each branch, and the action of the governor. This bulletin is not only furnished to the legislators but is issued for general distribution. In this way the members of the legislature and the public are furnished with accurate, carefully arranged and easily understandable information concerning the status of any measure. A daily list is also published showing the committee hearings each day as well as a calendar for each house setting forth the business which will come before it during the day.

The procedure is thus arranged in such a manner as to make possible a careful consideration of every measure by a joint committee; to provide for ample publicity; the reporting of all bills to at least one house which then go through a regular order which cannot be changed except by a special majority, and the forcing of legislation step by step. Such a procedure, of course, makes it necessary for the legislature to remain in session from five to six months each year which has certain disadvantages as well as merits. It is clear, therefore, that the Massachusetts system is not adapted to states where the session is definitely limited in the constitution.

Besides the unlimited duration of the session, and the rules of procedure, there is another requirement which assists the legislature in conducting its business in an orderly fashion. The rules provide that practically all proposals for legislation must be introduced on or before the second Saturday of the session. Petitions or bills coming in after that time go to the "next General Court" unless the rule is suspended by a four-fifths vote of each branch. The only exceptions to this rule are reports from the state departments, commissions or special committees appointed to investigate various matters or legislation based upon recommendations in the governor's message, which may be introduced at any time. As a matter of fact the rule is suspended when such action is regarded as desirable, but it has a very decided advantage in that, with these exceptions, measures do not come straggling in all during the session; the leaders and committees know early in the session what is before them and can plan accordingly. In 1922 and in 1923 the work of the legislature was still further assisted by a requirement that state officers, heads of departments, and also certain commissions which were authorized to make investigations during the recess should file copies of their proposed bills early in December, the month before the legislature convenes. The present speaker has recently sent requests to members of the legislature urging them to submit as many of their proposed bills as possible prior to the opening of the 1924 session. An attempt is thus being made to get bills filed even prior to the date fixed by the rules, so as to have them printed and distributed in order that the committees may commence work at once instead of marking time for several weeks.

LEADERSHIP

At the present time the legislature consists of 160 Republicans and 80 Democrats in the house and 33 Republicans and 7 Democrats in the senate, thus giving the Republican party a large majority in both branches although a somewhat smaller majority than in 1921 and 1922, when the Democrats had only five members in the senate and about 50 in the house. Partisanship, however, plays a small part in the legislature and an examination of the journal for the last few sessions fails to show a single instance of a strict party alignment on any measure. Also the legislature is not under the domination of the state organization of either party. As expressed by a competent observer and one who was for a long time a member of that body: "It especially resents anything savoring of dictation by party leaders outside the chamber. Few things would more hurt the chances of a bill than to let it be known that it was urged by the state committee of the majority party." At the same time there is most effective and able leadership among the majority party in both houses and the Republican party assumes credit if not responsibility for the showing of the legislature.

The principal leaders of the house

are the speaker, the floor leader who serves on the rules committee, the chairman of the committee on ways and means, the chairman of the committee on judiciary, and a half-dozen others who gain prominence because of their ability and personality. The floor leader is placed in front of the speaker so that he may be promptly recognized by him, while the chairmen of the committees on ways and means and judiciary have especially assigned seats. In the senate, with only forty members, there has not been the same need for highly developed leadership, but the president of that body and the floor leader have been largely responsible for the direction of legislation. The leadership of these officers has been effective and the positions have been held by men of unusual ability and with a broad interest in improving the substance of legislation and legislative procedure. The list includes within recent years such names as President Coolidge, who was at one time president of the senate; the present governor, Channing Cox, who served first as chairman of the judiciary committee and later as speaker; Louis A. Frothingham, now a member of Congress, and author of *The Constitution and Government of Massachusetts*, and the present speaker, Benjamin Loring Young, who has taken a large part in the establishment of the budget system, in the new plan for continuous consolidation of the laws, in bringing about various changes in the rules strengthening legislative procedure, and who has made a scientific study and taken a keen interest in the general improvement of legislative methods and output.

The positions of president of the senate and speaker are eagerly sought for not only as places of power and honor but also because they are regarded as stepping-stones to the office of lieutenant governor, who by tradition has a strong claim on his party's nomination for the governorship. It is perhaps this factor that has furnished the incentive to leadership in the Massachusetts legislature. A presiding officer, a floor leader, or the head of an important committee, if ambitious, knows that his future depends upon his record in the chair and upon the manner in which he conducts his work. As long as a presiding officer cares to serve it is the custom to reelect him but, when a vacancy occurs by retirement or resignation, a brisk contest usually takes place. The various candidates then carry on a campaign after the close of the session prior to the primary and final elections in an attempt to pledge as many of the members or prospective members as possible. If one of the candidates has an extremely strong following the other may retire, but if this is not the case the fight is carried into the party caucus which is called two or three days before the meeting of the legislature.

LOCAL AND SPECIAL LEGISLATION A MASSACHUSETTS WEAKNESS

The chief weakness of the Massachusetts legislative system is the mass of local and special legislation. About half of the actual output of the legislature, and even a larger proportion of the bills introduced, consists of special and local measures authorizing cities and towns to borrow beyond their debt limits; granting pensions to specified local employees; changing the names of city officers; creating public utility, charitable, and educational corporations; regulating the location of garages in a particular city; authorizing a specified charitable society to acquire property; authorizing a particular city to sell or lease certain land held by it for playground purposes; authorizing the registration of

Mary Jones as a chiropodist without examination, etc. Then, too, there are numerous measures regulating the details of administration which should fall within the jurisdiction of some department or commission. In 1923 out of a total of 494 acts, there were 259 general acts and 235 special ones. The following table shows the number of special and general acts passed at each session since 1915:

SPECIAL AND LOCAL LEGISLATION
1915 TO 1923

Year	*Number of General Acts*	*Number of Special Acts*
1915	390	384
1916	302	367
1917	345	376
1918	295	189
1919	364	242
1920	330	299
1921	253	249
1922	281	265
1923	259	235

This means that a large part of the time of the legislature is taken up with proposals of purely local significance and with details of an administrative nature at the expense of measures of state-wide interest and large importance. The legislature has attempted to reduce the burden somewhat through the introduction of a budget system, the requirement that all local measures be advertised in the locality affected, and the requirement that petitions for pensions must come from the proper local officials rather than from individuals. Yet the bulk of special legislation is still too great. The remedy would seem to be not in a constitutional prohibition of special legislation but in the adoption of a careful home-rule system for cities and the development of administrative machinery for passing upon requests for special and local legislation.

MOST IMPORTANT WORK OF 1923 SESSION

Turning aside from the general features of the Massachusetts legislative system to the work of the last session, one finds that both branches in 1923 were in control of veterans. In the senate one member had served for twelve years in the legislature, one for ten years, one for nine, one for eight years, twenty-five had served from three to seven years, seven had served for two years, leaving only four of the forty members without previous legislative experience. In the house one hundred and ten members, or slightly less than one half, had been members of the preceding legislature, while a considerable number especially among the leaders had seen at least a half-dozen years of service in the legislature. There were two women in the 1923 session, one from each party. Both took an active part especially in social and educational legislation. In the house the Republican leaders were not always successful because there was a group of insurgents ready at any time to combine with the 80 Democrats, but when the leaders did lose it was usually to a group headed by a veteran and not by a newcomer. There were, however, two or three younger men, well under thirty years of age, who became influential leaders of the majority party during the session.

During the session of 1923, the two houses considered 2,000 separate bills or reports on practically all of which public hearings were given and reports made by committees. Out of this mass of proposed legislation 492 acts and 74 resolves were enacted, a somewhat smaller amount of legislation than in previous years. The session was also one of the shortest in the last few decades. Prohibition was one of the big issues as it had been in 1922, and not only divided the members into groups but also led to much wavering and uncertainty on their part. In the fall of 1922 the voters, by a majority of 103,000, defeated a state prohibition enforcement act which had been passed at the 1922 session of the legislature. Notwithstanding the expressed attitude of the people, the legislature in 1923 passed a new enforcement act. At the same time the legislature enacted the so-called Adlow Bill providing for a referendum on the question of repealing the Eighteenth Amendment and of modifying the Volstead Act so as to permit the sale of light wines and beer. The real purpose of the proposed referendum was to take the issue of prohibition out of the national elections in Massachusetts in 1924, and from this point of view the action of the legislature in passing the act was not so much an indication of inconsistency as it was a matter of practical politics. The two bills reached the governor at the same time. He signed the enforcement bill but vetoed the referendum measure, and his veto was sustained following a short debate. There was much shifting of votes and uncertainty on the measures which caused criticism of the legislature. The senate voted wet twice and dry once, and the house voted dry twice and wet on one occasion, which is to be explained partly by the desire of certain leaders to take the issue out of the national election of 1924, and partly to the fact that a considerable group had not yet made up their minds on the issue and were found now on one side of the fence and again on the other. It is certain, however, that the wet and dry issue will play an all-important part in the next election.

Another important measure enacted in 1923 was a tax of two cents per gallon on all gasoline sold for motor vehicle fuel in order to provide additional funds for highway improvement. This tax had been recommended by two special commissions and was also approved by Governor Cox in his message of 1923. The passage of this bill through the legislature was attended by many battles between automobile dealers and owners and administrative officials and members of the legislature who favored it. The fight has not yet ended, as a referendum petition has been filed and the act will go to the voters in 1924.

The contest over the revision of the limitations on the height of buildings in Boston is interesting as showing the effect of the constitutional provision adopted in 1918, giving the governor authority to return measures to the legislature with suggestions for improvement. For several decades there has been a law limiting the height of buildings in the down-town district of Boston to 125 feet. Certain real estate and hotel interests as well as the city administration favored an increase in this limit by the 1923 session. On the other hand, many down-town real estate owners opposed raising the limitation on the ground that higher buildings would increase the fire hazard and add to congestion. A bitter fight ensued between the two groups, but the legislature finally passed a bill raising the limit to 155 feet. The opponents carried their fight to the governor, who granted a hearing during which certain objectionable features of the measure were brought to his attention. The governor then returned the bill to the legislature with criticisms and appointed a commission of five members to study the whole matter. After ten days the commission reported that with certain amendments the increase in the height limit would not be against the best interest of the city; the bill was changed slightly, was again passed and this time signed by the governor.

A fourth measure which attracted attention was the settlement of the national bank tax problem. A court decision declaring unconstitutional the state tax on the shares of national banks made necessary the refund of some $3,000,000 in taxes already collected. The leaders of the legislature from both parties showed considerable courage as well as good business sense in this matter. Instead of meeting the emergency through a bond issue or by an increase in taxes spread over a long period, the situation was faced by providing an additional 10 per cent surcharge on all tax bills due in 1924. This is apt to operate as a "boomerang" in the campaign of 1924 as the tax bills will be distributed on the eve of the election. The leaders recognized this and the incident shows that legislators can display courage and independence if necessary. Only three bills enacted during the session were vetoed by the governor and in each case his veto was sustained.

The 1923 legislature should be judged by what it failed to do as well as by what it actually accomplished. In this connection it refused to tamper with the direct primary law so as to provide for a return to the convention system; it failed to recommend a constitutional amendment returning to annual elections or adopting the biennial session plan; action on old-age pensions which is favored by the Democrats and also by some Republicans was wisely delayed by the appointment of a special committee to investigate the subject; the minimum wage law was not made compulsory, which, in view of the recent decision of the United States supreme court, preserved the Massachusetts law; it refused to increase the income tax rate on intangibles and thus steered clear of a danger which has seriously weakened the income tax in some states. On the whole, the Massachusetts legislature in 1923 was a conservative body whose leaders gave the people a business man's government. It is thus popular with the taxpayers and business men, although those who are looking for fads in legislation and a wider extension of social and industrial legislation are not so well pleased. In fact, the outstanding feature of the 1923 session was not its legislative program, but the adherence to a policy of economy by which the direct state debt was decreased and the necessity of raising the state tax avoided.

NOTES AND EVENTS

Ed. Note.—The illness of the editor at the time of going to press made necessary a reduction in the size of this department this month.

Cleveland Selects a City Manager.—The new council elected under proportional representation has named William R. Hopkins of Cleveland as the first manager of that city. Mr. Hopkins is president of the Belt and Terminal Realty Company, also the president of the Columbia Axle Company. He is a graduate of Western Reserve University and of the Western Reserve University Law School. While a student at the University of Chicago he wrote a thesis on the street railway situation in Cleveland which was regarded as a model of its kind. He has been a resident of Cleveland since 1874, and built the Belt Line Railroad. The verdict of the Citizens' League is that Mr. Hopkins is exceptionally well qualified by education, experience and character for the office of manager. He declared without qualification that he accepts the office free from any personal or political obligation which will interfere with his freedom of action in serving the city to the best of his ability.

The vote of the council-elect in favor of Mr. Hopkins was unanimous.

✤

Detroit Improves Its Council.—Despite a light vote—40 per cent of the registration—Detroit elected November 6 a new council which is believed to contain new vigor, as well as experience. The only contest was on election of the council of nine, chosen at large, on a non-partisan ballot, and the advance "dope" assured the success of several of the nine. The election of Mayor Frank E. Doremus, and of the city clerk and treasurer, also was practically automatic, as no real opposition had appeared. Joseph A. Martin, a young, vigorous contender, defeated the veteran, John C. Lodge, for council president, by a narrow margin. Another surprise was the defeat of present Councilmen Littlefield and Kronk. The new council will contain four present members and five new ones. Of the nine, seven have had experience in public service, guaranteeing some advance over the work of the council for the past five years. Six proposed charter amendments were adopted, none of them affecting the principles of the charter. Anonymous "slates," on religious lines, appeared, but did not affect the result. The city generally stands against injection of religion in politics. Leading Protestant clergy oppose all "extra-legal," secret groups.

✤

Washington Meeting of National Association of Civic Secretaries.—The National Association of Civic Secretaries at their meeting in Washington, November 15 to 17, had a series of round table conferences on practical subjects such as civic committees and how to make them effective, maintaining membership, the arrangement of forum programs, new buildings and their financing, and club housekeeping. About twenty members of the association were in attendance. The following officers were elected for 1923–24; Walter T. Arndt, of New York, president; Mrs. J. W. Doughty, of Kansas City, vice-president; Miss H. Marie Dermitt, of Pittsburgh, treasurer; and Robert E. Tracy, of Philadelphia, secretary.

Members of the association were entertained by Miss Harlean James, at her home, on Thursday, November 15, at 4.30, and on Friday evening, November 16, attended the performance of Robert E. Lee.

Two special committees were authorized. One a committee to survey the various clubs, and analyze their different functions, so that the program committee can arrange programs to meet actual requirements. Second, that a special committee be appointed to consult with other organizations, so as to co-ordinate the other programs, build up civic organizations by co-operation, and agree upon the date and place of the next conference.

One of the most important subjects developed at this conference was Mr. Ingersoll's explanation of how the City Club of New York succeeded in getting the federal government to refund the tax on dues for the past four years.

Robert E. Tracy.

✤

San Francisco Election.—At the election of November 6, the city and county of San Francisco returned Mayor James Rolph, Jr., to office for the fourth consecutive term. Nine of the eighteen members of the board of supervisors were up for re-election—five were returned and four were defeated. The incumbent district attorney, sheriff, assessor, county clerk, auditor and coroner were returned.

One of the unexpected features was the defeat of one of the police judges. The incumbents of the two offices to be filled had been endorsed and vigorously supported by the local bar association. The upset is stated in some quarters as due to a decision in a union-labor case that was displeasing to organized labor.

Another unexpected feature was the leading of the supervisorial ticket, by a margin of nearly 10,000 votes, by Phil Katz, who won the Congressional Medal of Honor as a sergeant of the 363d Infantry—"San Francisco's Own." Katz' candidacy was his first venture into the political field, and without organization, his remarkable run was the surprise of the election.

The election marked San Francisco's abandonment of the preferential voting system. The use of voting machines was authorized by a local charter amendment last November and by the last legislature; these were used in over fifty of the six hundred and four voting precincts. As machine-voting does not permit of the use of choices, a friendly suit was instituted to secure judicial determination as to whether the charter amendment permitting the use of voting machines operated to repeal the charter provisions prescribing preferential voting; the court ruled that it did. As the preferential system in San Francisco had operated practically the same as the plurality system, no one was particularly concerned.

✤

Los Angeles Now Has Civil Service Police Chief.—Los Angeles, by undertaking a very radical experiment, has given notice that it is tired of seeing its chiefs of police come and go.

At the June elections this year an amendment was added to the city charter placing the chief of police upon the classified civil service list. The incumbent campaigned for the amendment and declared that he would gladly take the examinations when the time came.

For some weeks, after the passing of the amendment, there were rumors from the police commission headquarters, that all was not well within the police department. A demand that certain changes be made in the personnel of the police department was refused by the mayor. Before long it appeared that the chief of police would authorize these changes. This forced a breach between the mayor and the incumbent chief, which resulted in a dismissal of the incumbent, Louis D. Oaks. Meanwhile, the mayor had asked Chief August Vollmer, of the Berkeley police department, to assume control in Los Angeles pending the civil service examinations. He accepted the temporary appointment and began work in Los Angeles.

Within a few weeks examinations by a specially authorized board were prepared, and a number of men from the Los Angeles department and from departments in neighboring cities tried their hands at the examinations. (It is of interest to note that Mr. Oaks did not take the examinations.) Chief Vollmer won first place on the list, and was shortly appointed to the position. He is one of the best known chiefs in the United States and now has an opportunity, protected by the provisions of the civil service law, to operate his department presumably without any interference. He almost immediately announced to the public that the police commission was not in sympathy with his method of directing the force.

After some weeks of hostilities, on November 13, the mayor removed his two associates from the commission, and announced new appointees. One of these is the superintendent of the Anti-Saloon League in Southern California.

It is publicly accepted at the present time, that Chief Vollmer is making good, and Los Angeles is looking forward to his permanent tenure with a great deal of relief. Down to the present year, at least once a year there has been a shake-up in the police department. This has meant that almost no one has had any confidence in the system, under which Los Angeles has operated for so many years.

C. A. DYKSTRA.

CONSTITUTIONAL TAX EXEMPTION

The Power of Congress to Tax Income from State and Municipal Bonds

By

EDWARD S. CORWIN

McCormick Professor of Jurisprudence,
Princeton University

"What is needed is not further tinkering with the Constitution, but an Act of Congress assertive of its present powers."

Supplement to the
NATIONAL MUNICIPAL REVIEW
January, 1924 Vol. XIII, No. 1

Published by
NATIONAL MUNICIPAL REVIEW
261 Broadway, New York

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CONSTITUTIONAL TAX EXEMPTION

THE POWER OF CONGRESS TO TAX INCOME FROM STATE AND MUNICIPAL BONDS

BY EDWARD S. CORWIN

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"ARISTOCRACY," wrote Chateaubriand, "has three stages: first, the age of force, from which it degenerates into the age of chivalry, and is finally extinguished in the age of vanity." The fact that there are between thirty and forty billions of privately held public securities in this country which are either partially or totally tax-exempt [1] suggests that American aristocracy is rapidly achieving the second stage of its predestined cycle without, perhaps, having altogether left the first stage behind. Some ingenuity has been expended in certain quarters in an effort to show that the immunity of a considerable fraction of the wealth of the country from taxation makes no particular difference to anybody; an argument which if valid ought to hold even though the fraction were increased indefinitely. Certainly, when we learn that the late Mr. William Rockefeller's estate of sixty-seven millions comprised some forty millions of tax-exempt bonds, we conclude that there was a reason; and we also recall the maxim *ex nihilo nihil.* If investors in tax-exempt securities derive a benefit from this type of investment somebody else pays—the question is who?

The actual operation of tax exemption in this country would seem to be somewhat as follows: The national government adopts a system of income taxation by which incomes are taxed at progressively higher rates. In order to escape the upper reaches of the tax, men of large income invest in tax-exempt securities, especially municipal and state bonds, the exemption of which is most nearly absolute. This in turn enables the states and municipalities to float securities on advantageous terms in comparison with private concerns. A saving is thus effected momentarily to the local taxpayer, but at his expense both as taxpayer to the national government and as consumer. For it is apparent that if the national government cannot raise adequate revenue by progressive income taxation it must have recourse to other methods which bear more heavily on the average citizen; and it is equally evident that if private producers have to pay higher rates of interest in order to obtain adequate capital, it is the consumer who ultimately foots the bill. Nor does the advantage of the local taxpayer continue indefinitely, since the easy terms upon which they find capital procurable offers an obvious temptation to borrowing on a large scale on the part of states and municipalities. Thus, whereas state and local bonds afloat in 1913 totalled less than four billions, they now total fourteen billions, some of which, it is permissible to hold, represent expenditures, which, if they should have been made at all, should have been made from current funds. So by one and the same system of tax evasion governmental extravagance is promoted, profitable business expansion is put at a disadvantage, the theory of progressive income taxation is undermined, and a tax-exempt aristocracy is created out of the wealthiest part of the community.[2]

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[1] This amount includes nearly twenty-three billions of liberty bonds of the five issues, of which the first, of two billions, so far as it has not been converted, remains totally exempt from national taxation. Capital holdings of the succeeding issues, except the Victory Notes, have been exempt from the normal income tax in varying amounts, but not from the surtax; and since the expiration of the two-year period from the ratification of the treaty with Germany even this imperfect immunity has largely lapsed. Such holdings, however, still remain beyond the reach of the taxing power of the states for the most part, but whether this fact merits consideration in this connection would depend on factors which differ with each state.

Not all tax exemption rests primarily on constitutional grounds. When national securities are exempt from national taxation it is only because congress has so decreed, although once given its promise may possibly constitute a binding contract which may not be repudiated consistently with "due process of law." And the same is the case in a general way with the exemption of state and municipal securities from local taxation: such exemption rests in the first instance on the will of the local legislature, but once it is accorded it becomes a contract whose obligation may not be impaired.[3] Exemptions which thus originate solely in legislative policy need not be further treated of in this article, our purpose being to investigate those doctrines of constitutional law which have been interpreted to require that exemption from taxation accompany the *issuance* of public securities. Thus, it is held that national securities are from the moment of their issuance exempt for the most part from state taxation and that state and municipal securities are likewise exempt from national taxation. The two cases, however, are not, it would appear, in all respects parallel. On the one hand, the exemption rests in both cases on judicial reasoning rather than on any specific clause of the constitution; but on the other hand, an important difference appears between the considerations which judges have treated as controlling in the two instances. For logical as well as chronological reasons the exemption of national securities from local taxation will be dealt with first.

I

The judicial doctrine of tax exemption entered our constitutional jurisprudence through the famous decision in *McCulloch* v. *Maryland*,[4] in which in 1819 the supreme court set aside a tax by the state of Maryland on certain operations of a local branch of the Bank of the United States. The opinion of the court by Chief Justice Marshall brings forward at least four distinct, even though not clearly distinguished, grounds for the decision. In a phrase often quoted since, the Chief Justice defines the power to tax as involving "the power to destroy." The inference is that the mere attempt to tax the bank represented a claim on Maryland's part to control or even to wipe out an instrumentality of a government which is supreme within its assigned sphere. But more than that, the opinion continues, while "the sovereignty of a state extends to everything which exists by its own authority or is introduced by its permission," the bank did not fall within this description. So, regardless of the supremacy of the national government, there was "on just theory" a "total failure" of power in the state to reach the bank through taxation. Nevertheless, at the very end of his opinion, Marshall concedes Maryland the right to tax the bank on its "real property . . . in common with other real property within the state," and also "the interest which the citizens of Maryland" held in the institution "in common with other property of the same description throughout the state"; and meantime he has answered an argument drawn by the state's attorneys from the *Federalist* with this observation: "The objections to the constitution which are noticed in these numbers were to the undefined power of the government to tax, not to *the incidental privilege of exempting its own measures from state taxation.*"[5] In other words, the exemption of the bank is thought of at this point as resting on the implied will of congress and therefore to be justified constitutionally as a measure "necessary and proper" for maintaining the full efficiency of the bank as an instrumentality of admitted national powers. In short, while the exemption of the bank from state taxation on its operations was clear, the precise reason for exemption was far from clear. This may have been due to the inherent scope of the taxing power, considered in relation to the supremacy of the national government within its proper field; or it may have been due to the inherent limits of the state's own sovereignty; or it may have been due to the discriminatory nature of the tax attempted in this instance, or finally, to the implied will of congress.

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[2] The market price of tax-exempt securities is such to-day as to tempt people of comparatively low incomes—from twenty to fifty thousand dollars per annum. This signifies, of course, that the very rich get their bonds cheaply, so much so, indeed, that while the income tax law pretends to levy surtaxes ranging as high as 58 per cent, the surtax above 31 per cent is virtually inoperative. See Professor R. M. Haig's article in the *North American Review* for last April. Professor Haig also makes the point that the incomes thus benefited are what Gladstone called "lazy" incomes, which thus seek safe investments, while the risk of developing new enterprises is thrust upon earned incomes. The best thought has always urged that earned incomes should be less heavily taxed than unearned.

[3] Article I, sec. 10, par. 1.

[4] 4 Wheat. 316.

The question arises whether there is a necessary contradiction as between any two of these grounds of decision, or whether they may be considered as together constituting a harmonious whole. The strongest appearance of contradiction emerges from a comparison of the first and third grounds; for if the equal application of a tax to a species of property is guarantee against its abuse, why the proposition that "the power to tax involves the power to destroy"? And why should not any generally imposed tax be valid as to all property within the limits of a state? The answer seems to be that Marshall was trying to draw the line between the *bona fide* taxation by a state of *property* within its limits and an attempt by it to tax an *exercise* of national power within those limits—the former being allowable, the latter not. Yet why not? And here our attention is drawn to the juxtaposition of the first and fourth grounds of decision. Taken together the two grounds spell out the proposition that congress may always exempt instrumentalities of the national government from local taxation when it is "necessary and proper" for it to do so in order to assure the efficient operation of such instrumentalities. What then of the converse proposition, that where an exemption of national agency from state taxation exists, such exemption is to be deemed as resting in the first instance merely on the will of congress, express or implied, and not on constitutional considerations beyond the reach of congress? The fact is that no clear answer to this question can be gleaned from Marshall's decisions. In *Osborn* v. *the Bank*, he treats the exemption as resting on the will of congress;[6] in *Weston* v. *Charleston*, as implied in the constitution;[7] and subsequent decisions of the court disclose the same uncertainty.[8] Indeed, even when the will of congress is made the basis of exemption, there is still uncertainty as to whether taxation may be permitted in the silence of congress, or the implication of silence should be construed unfavorably to the state's claims.[9] It is submitted, however, that there is no sound reason why these uncertainties should be permitted to continue. With the remedy for any abuse by a state of its power over instrumentalities of the national government securely lodged in congress, there is not the least benefit to be anticipated from the supreme court's troubling itself with the extent of congress's concessions to the states in respect of the taxation of national instrumentalities. Such instrumentalities ought always to be subject to local taxation when they take the form of private property, while any effort of the local taxing power to single them out for special burdens would be void on the face of it. Both of which propositions are fairly implied in *McCulloch* v. *Maryland*.[9a]

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[5] The italics do not occur in the original.

II

We now turn to that branch of the constitutional doctrine of tax exemption which restrains the national taxing power in relation to "means and instruments" of the states. At the outset we note an important difference in the operation of the doctrine in the two fields. The principal local taxing power which is caught in the coils of this doctrine is the power of taxing property directly—in other words, the general property tax, which is thereby disabled in the presence of private property which is viewable from another angle as still discharging a governmental function. The national government on the other hand is, practically speaking, denied the power of directly taxing property by the unworkable rule of apportionment which the constitution lays down for such taxes.[10] The only kind of national taxation which is affected by the constitutional doctrine under review is consequently income taxation, which whether it be "direct" or "indirect" in the constitutional sense is to-day relieved by the sixteenth amendment from the rule of apportionment; and the principal operation of the doctrine of tax exemption within the national field has been accordingly to relieve certain categories of *incomes* from national taxation, namely, those derived from state and municipal bonds and state official salaries. By the same token, the extension of the doctrine of tax exemption into the field of national taxation incurs difficulties which it does not encounter in the other field. Both on the basis of what has just been said and for other reasons which will be manifest, these may be set down as follows: In the first place, in the case of the average property-holder or income-taker the burden represented by the general property tax is far greater than the burden of any probable income tax. To illustrate: A tax on income derived from a bond bearing interest at four per cent would have to be twenty-five per cent in order to equal in burden a one per cent property tax on the bond itself; but while the latter is a burden which any citizen may be called upon by the state to meet, the former is one exacted by the national government only of the wealthiest classes and is therefore one evasion of which is rendered possible and profitable only to the wealthy through the operation of the doctrine. In the second place, while it is not so unreasonable to regard a government bond even in the hands of the private purchaser as still an instrumentality of government, since it represents a continuing relationship between the government and the purchaser, to extend the same line of reasoning to income from the bond, the payment and receipt of which is a transaction over and done with once for all, involves a step by no means easy to follow.[11] In the third place, the difference between the national government as the government of all and any particular state as the government of only a section of the people should be taken into account in this connection. As Chief Justice Marshall pointed out in *McCulloch* v. *Maryland*, "The people of all the states and the states themselves are represented in congress," which, therefore, when it taxes a state institution is still taxing only its own constituents, whereas, "when a state taxes the operations of the government of the United States, it acts upon institutions created" by people not represented in the state legislative chambers. Finally, whereas the principle of national supremacy, to which as we have seen the exemption of national means and instruments from state taxation was principally referred by Marshall, is a principle definitely embodied in the written constitution,[12] the theory upon which the doctrine of tax exemption was projected into the national field rests entirely upon principles external to the written constitution, and indeed is logically contradictory of the principle of national supremacy.

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[6] 9 Wheat. 738. Marshall's language here is as follows: "The court adheres to its decision in the case of *McCulloch* v. *the State of Maryland*, and is of opinion that the act of the state of Ohio, which is certainly much more objectionable than that of the state of Maryland, is repugnant to *a law of the United States made in pursuance of the constitution, and, therefore void.*" (The italics do not appear in the original.)

[7] 2 Pet. 449.

[8] See *Van Allen* v. *Assessors*, 3 Wall. 573, in which was sustained the Act of June 3, 1864 (now ¶5219 of the Revised Statutes), whereby certain powers of taxation with reference to national banks were accorded the states; *Thomson* v. *Union Pacific R. Co.*, 9 Wall. 579; *Union Pacific R. Co.* v. *Peciston*, 18 Wall. 5; *Owensboro National Bank* v. *City of Owensboro*, 173 U. S. 664; *Home Savings Bank* v. *Des Moines*, 205 U. S. 503. In the last case J. Moody, speaking for the court, remarks: "It may well be doubted whether congress has the power to confer upon the state the right to tax obligations of the United States. However this may be, congress has never yet attempted to confer such a right." So the point has never been decided. In *Chaplin* v. *Comm'r*, 12 Com. L. R. 375 (Australia, 1911), the commonwealth was held to have the power to authorize state taxation of federal salaries, although such taxation had been previously held invalid without such authorization. Hall, *Cases on Constitutional Law*, p. 1288 ff. See also note 13 *infra*. If a citizen of one state owns bonds of another state, his own state may levy a tax thereon, as on other personal property the situs of which follows the owner. *Bonapartc* v. *Appeal Tax Court*, 104 U. S. 592. In other words, as between states, privately held public securities of state origin are treated as private property solely.

[9] Notes 6 and 8, *supra*.

[9a] See also the recently decided case of *First National Bank of San Jose* v. *Calif.*, decided June 4, last, and cases there cited, to show that the "dealings of national banks are subject to the operation of general and undiscriminating state laws which do not conflict with the letter or general object or purpose of congressional legislation affecting such banks."

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[10] Article I, sec. 2, par. 3; sec. 9, par. 4.

[11] A similar distinction is developed by Marshall in *Weston* v. *Charleston*, *supra*, between state taxation of United States bonds and lands sold by the United States: "When lands are sold, no connection remains between the purchaser and the government. The lands purchased become a part of the mass of property in the country with no implied exemption from common burdens. . . . Lands sold are in the condition of money borrowed and repaid. Its liability to taxation in any form it may then assume is not questioned. The connection between the borrower and the lender is dissolved."

[12] Article VI, par. 2.

The doctrine of tax exemption was first applied in restriction of the national power in 1871, in the case of *Collector* v. *Day*,[13] in which the sole question was whether a general income tax levied uniformly throughout the country could be exacted of a state judge on his official salary. Justice Nelson, speaking for the majority of the court, answered this question in the negative on the following line of reasoning: (1) That a judiciary was a requisite of that "republican form of government" which the United States was pledged by the constitution to maintain in every state; (2) that "the power to tax involved the power to destroy"; (3) that the tax invaded the field reserved to the states by the tenth amendment. Rendered as it was near the close of the Reconstruction Period, during which congress had ridden rough shod over the most sacred pretensions of "State Sovereignty," the decision is easily explicable, especially when we bear in mind the constant solicitation to which the supreme court is always exposed to adopt the rôle of "savior of society"; but these are circumstances which can hardly justify the decision as a rule of law. Would it ever occur to "most people not lawyers"[14] that the republican form of government connotes the elevation of an official class above the common burdens of citizenship? Nor does the maxim that "the power to tax involves the power to destroy" seem particularly applicable to a situation in which its realization would carry with it the destruction of everybody's income. But not only was the court's invocation of the guaranty of a republican form of government extravagantly irrelevant to the actual facts before it, it was also technically unallowable; for the court has said repeatedly that it is not for itself but for congress to say what are the requisites of such a government, that this is "a political question."[15]

Justice Nelson's chief reliance, however, is upon "the reserved rights" of the states, recognized in the tenth amendment; but it does not seem on the whole to be better placed than on the other arguments just reviewed. He contends, in brief, that the right to establish and maintain a judicial department is an "original," "inherent," "reserved" power of a state, "never parted with, and as to which the supremacy" of the national government "does not exist," that "in respect to the reserved powers, the state is as sovereign and independent as the general government." Virginia had made the same argument half a century earlier, and with much better reason, in *Cohens* v. *Virginia*,[16] and had been answered, that as to the purposes of the Union the states are not sovereign but subordinate. Moreover, if the supremacy of the national government does not exist as to the reserved powers of the states, as to what powers does it exist? Modern constitutional law certainly lends Justice Nelson's logic small support. For if the reserved power of a state to establish courts can prevent the incidental operation of an otherwise constitutional tax of the national government, what is to be said of a tax levied upon a privilege granted by the state in the exercise also of powers indubitably reserved to it;[17] or of a direct invasion of the reserved power of a state in the regulation of local transportation?[18] Yet both these assertions of national power have been sustained within recent years. Furthermore, even though it be conceded that the power to maintain a judiciary is a reserved power of so peculiarly sacrosanct a character as to set limits to the operation of otherwise constitutional acts of the national government, yet it would remain to be shown that this reserved power comprised the further power of rendering immune from national taxation the salaries paid the state's judges and already in their pockets. Recent decisions do not tend to support such far-fetched theories of the incidence of taxation [19]—far-fetched and, as Dr. Johnson would have added, "not worth the fetching." For all which reasons the doctrine of *Collector* v. *Day* must to-day be regarded as obsolete; and the same, of course, must also be said of the extension of that doctrine in *Pollock* v. *The Farmers' Loan and Trust Company* [20] to incomes from state and municipal bonds. A special tax on such incomes would fail for vicious classification [21]—perhaps as not a tax at all;[22] but an otherwise constitutional tax cannot in logic or common sense be denied operation upon such incomes; and this would be so even if the sixteenth amendment had never become a part of the constitution.

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[13] 11 Wall. 113. The decision was preceded by that in *Dobbins* v. *Comm'rs*, 16 Pet. 435, in which the court held the salaries of United States officials to be non-taxable by the states, on the ground that the immunity was *implied by the act of congress fixing such salaries.*

[14] The expression is J. Holmes's. See 252 U. S. 220.

[15] *Luther* v. *Borden*, 7 How. 1; *Pacific States T. and T. Co.* v. *Oregon*, 223 U. S. 118.

[16] 6 Wheat. 264. See also Justice Story's opinion in *Martin* v. *Hunter's Lessee*, 1 Wheat. 304.

III

The sixteenth amendment reads as follows:

> The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

It is well understood that the purpose of this amendment was to overcome in whole or in part the effect of the supreme court's decision in *Pollock* v. *The Farmers' Loan and Trust Company*,[23] but whether in whole or in part only is disputed. In this case the supreme court ruled, first, that incomes derived from property were "direct taxes" and leviable only by the method of apportionment; and secondly, as we have just noted, that incomes derived from state and municipal bonds were not subject to national taxation at all. The question with which we are concerned, therefore, is this: Does the sixteenth amendment overthrow both branches of this decision or only the first? Or to put the issue a little more definitely: What is the force and effect of the phrase "from whatever source derived" in this context? Does it permit congress to tax all kinds of income without resort to apportionment, or does it merely permit congress to tax without resort to apportionment such incomes as were previously subject to national taxation?

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[17] *Flint* v. *Stone Tracy Co.*, 220 U. S. 107, sustaining a tax measured by net profits on the privilege of doing business as a corporation.

[18] The Shreveport Case, 234 U. S. 342; *Railroad Comm'n* v. *Chicago B. & Q. R. Co.*, 257 U. S. 563.

[19] A tax on income two-thirds of which was derived from export trade is valid, notwithstanding the constitutional prohibition of a tax on "articles exported from any state" (Article I, sec. 9, par. 5), *Peck and Co.* v. *Lowe*, 247 U. S. 165; also, a tax by a state on the profits of a company though these were derived in large part from interstate commerce, *United States Glue Co.* v. *Oak Creek*, *ibid.* 321; also, state and municipal bonds held by a decedent may be validly included in the net value of an estate upon the transfer of which the estate tax imposed by the Act of Sept. 8, 1916, is assessed, *Greiner* v. *Lewellyn*, 258 U. S. 384. Finally, by *New York* v. *Law*, decided Apr. 30, last, a tax on the income from a mortgage is not a tax on the mortgage itself within the sense of *a law exempting the mortgage from taxation.*

[20] 157 U. S. 429; 158 U. S. 601.

[21] See the dicta in *Brushaber* v. *Union Pacific R. Co.*, 240 U. S. 1; *Bell's Gap R. Co.* v. *Penna.*, 134 U. S. 232; *Connolly* v. *Union Sewer Pipe Co.*, 184 U. S. 540; and other cases.

[22] *Bailey* v. *Drexel Furniture Co.*, 259 U. S. 20; *Hill* v. *Wallace*, *ibid.* 44.

[23] See note 20, *supra*.

Anterior to *Evans* v. *Gore*,[24] which was decided four years ago and which receives special consideration farther along in this paper, the court, or justices speaking for it, had uttered a number of dicta which have been assumed to sustain the narrower view of the amendment. Thus in *Brushaber* v. *Union Pacific R. R. Co.*,[25] which was decided shortly after the amendment was added to the constitution, we find Chief Justice White declaring that "the whole purpose of the amendment was to relieve all income taxes when imposed from apportionment from a consideration of the source whence the income was derived"—a view of the matter which he asserts shortly afterward to have been "settled" by the previous utterance.[26] And to the same effect is the language of Justice Pitney in the Stock Dividend Case.[27] "As repeatedly held, this [the sixteenth amendment] did not extend the taxing power to new subjects but merely removed the necessity which otherwise might exist for an apportionment among the states of taxes laid on income." This was a five-to-four decision, but meantime, in *Peck & Co.* v. *Lowe*,[28] Justice Van Devanter, speaking for a unanimous court, had reiterated the same proposition.

But now just what is this proposition? The present writer submits that it is neither more nor less than the statement, evident on the face of it, that the sixteenth amendment does not authorize congress to tax without apportionment anything except *incomes*. Let it be considered what were the precise questions before the court in the two more important of these cases. In the Brushaber Case it was whether an income which had accrued since March 1, 1913, could be reached retroactively by a tax enacted the subsequent August, it being contended that the income had now become capital; while in the Stock Dividend Case the question was whether such a dividend was to be regarded as income in the hands of stockholders or merely as evidence of capital-holding. The former question was answered adversely to the taxpayer concerned, the latter favorably; but in both instances it was obviously proper for the court to clarify its position by stating the self-evident proposition offered above.[29]

On the other hand, interpret the statements above quoted as signifying that the amendment still leaves outstanding certain limitations on congress's power of *income* taxation, and what results? This, at least: That the supreme court is chargeable with having "settled" by the mere process of heaping *obiter dictum* upon *obiter dictum* a most important question of constitutional power, which was not remotely involved in the cases before it, on which, so far as the published briefs of attorneys show, there was no argument worthy of mention, and in justification of its determination of which it condescended to utter not one word of proof, whether of law or of fact. That the supreme court has no authority "to pass abstract opinions upon the constitutionality of acts of congress" has been repeatedly stated by the court itself;[30] that it has no right to anticipate action by congress by affixing to the constitution a reading thereof not required in the determination of any question before it would seem to be even clearer. Respect for the court, if nothing else, forbids our attributing to it the intention of prejudging the interpretation of the sixteenth amendment unnecessarily. Instead, we should recall the maxim stated by Chief Justice Marshall and reiterated many times since: "It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision."[31]

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[24] 253 U. S. 245.

[25] See note 21, *supra*.

[26] *The Baltic Mining Co.* v. *Stanton*, 240 U. S. 103.

[27] *Eisner* v. *Macomber*, 252 U. S. 189.

[28] Cited in note 19, *supra*.

[29] *The Peck & Co.* v. *Lowe* and *Baltic Mining Co.* v. *Stanton*, as in the Brushaber Case, the exertion of the national taxing power questioned was sustained independently of the sixteenth amendment.

But it is insisted that in *Evans* v. *Gore*,[32] which followed the cases just reviewed, "the very point" here under consideration was presented and decided; is this so? The principal holding of that case was that a United States judge could not, consistently with the provision in article III of the constitution, that judges of the United States shall at stated times receive for their services a compensation "which shall not be diminished during their continuance in office," be subjected to a national income tax in respect of his official salary. Confronted with the argument that the sixteenth amendment must be deemed to have authorized such taxation notwithstanding the language of article III, the majority speaking through Justice Van Devanter said:

> The purpose of the amendment was to eliminate all occasion for such an apportionment because of the source from which the income came,—a change in no wise affecting the power to tax, but only the mode of exercising it. The message of the president recommending the adoption by congress of a joint resolution proposing the amendment, the debates on the resolution by which it was proposed, and the public appeals,—corresponding to those in the Federalist,—made to secure its ratification, leave no doubt on this point. . . .
>
> True, Governor Hughes of New York, in a message laying the amendment before the legislature of that state for ratification or rejection, expressed some apprehension lest it might be construed as extending the taxing power to income not taxable before; but his message promptly brought forth from statesmen who participated in proposing the amendment such convincing expositions of its purpose, as here stated, that the apprehension was effectively dispelled and ratification followed.
>
> Thus the genesis and words of the amendment unite in showing that it does not extend the taxing power to new or excepted subjects, but merely removes all occasion otherwise existing for an apportionment among the states of taxes laid on income, whether derived from one source or another.

That these words would have been regarded by the court when it uttered them as concluding the question under discussion in this paper may well be believed. Also, it must be said in fairness to the court that the conclusions stated by Justice Van Devanter rest to some extent on a consideration of the question of the scope of the amendment in the light both of fact and of argument. Nevertheless, I venture to challenge the conclusiveness of the facts brought forward by the court and also of the assumption, which I am willing to attribute to it, that the question before it involved the broader question of the status, in relation to the amendment, of incomes from state and municipal bonds and of the salaries of state officials; and let us first take up the question of fact.

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[30] See J. Sutherland's opinion in *Massachusetts* v. *Mellon*, decided June 4 last, and cases there cited.

[31] *Cohens* v. *Va.*, cited note 16, *supra*.

[32] Cited in note 24, *supra*.

IV

As its citations go to prove, the court's chief reliance is upon arguments which were made by Senators Root and Borah after the amendment had been proposed by congress but before its ratification. On the other side, the court admits the contrary opinion of Mr. Hughes, then governor of New York, whose utterance, however, was but one of several of like tenor, as the following quotations show:

> It is to be borne in mind that this is not a mere statute to be construed in the light of constitutional restrictions, express or implied, but a proposed amendment to the constitution itself which, if ratified, will be in effect a grant to the Federal Government of the power which it defines. The comprehensive words "from whatever source derived," if taken in their natural sense, would include not only incomes from real and personal property, but also incomes derived from state and municipal securities.—Gov. Hughes of New York.

> Congress could, therefore, tax incomes from state and municipal bonds, and could exempt incomes so derived. Senators and congressmen being necessarily residents of the states and generally of the municipalities would not pass a law which would destroy through taxation the credit of their own state and their own municipality.—Gov. Gilchrist of Florida.

> The objection urged by Governor Hughes does not impress me as being a very substantial or effective one. If it is advisable upon broad grounds of public policy for the national government to subject incomes to taxation, it impresses me as a narrow or technical objection to oppose this amendment for the reason that it does not provide for an exemption of that portion of one's income derived from interest upon state and municipal bonds.—Gov. Hadley of Missouri.

> The income tax amendment to the constitution is broad enough to include a tax on incomes derived from the ownership of state and municipal bonds.—Gov. Burke of North Dakota.

> The language of the amendment is very broad, and injustice might easily occur unless congress should be careful in the exercise of the authority conferred upon congress by this amendment.—Gov. Haskell of Oklahoma.

> Indeed it seems to me that if the words "from whatever source derived" would leave the amendment ambiguous as to its power to tax incomes from official salaries and from bonds of states and municipalities, the amendment ought to be opposed by whoever adheres to the democratic maxim of equality of laws, equality of privileges, and equality of burdens. . . . . It is impossible to conceive of any proposition more unfair and more antagonistic to the American idea of equality and the democratic principle of opposition to privilege, than an income tax so levied that it would divide the people of the United States into two classes.—Gov. Dix of New York, in his message to the Speaker urging him to press the amendment.

Here, in short, are six gubernatorial utterances made, some in protest against the amendment, some in its favor, but all to the same effect, that the amendment would vest congress with the power to tax incomes from state and municipal bonds; while I have encountered but a single utterance from a like source which is clearly to the contrary effect. Yet despite these warnings, following these commendations, the amendment was ratified. And in this connection it should be noted that ratification by the pivotal state of New York followed upon the Dix message, not upon the attempted refutation of Governor Hughes.[33]

[33] Of the foregoing quotations, the first five are taken from the *N. Y. Times* and *N. Y. World* of Jan. 7, 1910. The last is from the *Dix Papers* (1911), pp. 533–541. The single hostile utterance referred to was that of Governor Noel of Mississippi, *Times*, Jan. 6. Governor Harmon of Ohio was content to leave the question to congress, whose members would never "pass a law that would cripple or destroy their states," *ibid.* Governor Weeks of Connecticut, who was opposed to the amendment, congratulated Governor Hughes "upon the tone of his message," *Times*, Jan. 8. Governor Vessey of South Dakota

But let us consider the evidence which Justice Van Devanter adduces as to the intention of congress itself in proposing the amendment.[34] He first refers to President Taft's message of June 16, 1909, urging an amendment to the constitution which should confer "the power to levy an income tax without apportionment among the states in proportion to population." This clearly shows that the object which was foremost in the president's mind was to get rid of the rule of apportionment in income taxation; but clearly, too, it throws no light on the question of the proper construction of the very differently worded proposal which was finally adopted. In congress the ball was started rolling by Senator Brown of Nebraska, the day following the message. In its original form his proposal gave congress "power to lay and collect direct taxes on incomes without apportionment"; but when it emerged from the senate finance committee eleven days later, it had assumed the shape of the present amendment. Why the change? It would, perhaps, be difficult to say; but the burden of explaining the change is certainly not on those who contend that it must have had some significance. Nor does the trend of the discussion leading up to the passage of the amendment, in either the senate or the house, strengthen the case for tax exemption. For the most part this dealt with political and historical matter which has no bearing on the present question; but it was interlarded with repeated references to the desirability of clothing the national government with the power to tax incomes effectively, both from the point of view of providing for possible emergencies and also from that of equitable taxation.

The resolution of proposal having been passed by the senate by a vote of 77 to 0, then went to the house, where it was voted by an overwhelming majority on July 28, and thereupon went to the states, with the result that congress now lost all control over it. Notwithstanding this, when nearly six months later Governor Hughes sent his message to the New York assembly criticizing the proposal, Senator Borah introduced a resolution asking the senate committee on the judiciary to report on the soundness of the Governor's views; and meantime proceeded to develop his own theory. In brief, his argument was this: It could not be the purpose of the clause "from whatever source derived" to vest congress with additional powers of taxation, since that power was already plenary. The argument is self-contradictory; for if its power of taxation was really plenary, what additional power of the kind was there with which to vest congress? But as an assertion of fact, the statement is merely preposterous, being "so far from the truth"—to borrow an expression of Mr. Chesterton's—"as to be exactly the opposite to it." How, then, is such an absurd statement in the mouth of a reputable public man to be explained? One explanation is to be found in Mr.

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is put down as agreeing with Governor Hughes in the *Literary Digest* of Jan. 15, p. 88. Senator Brown, author of the amendment, declared on the floor of the senate that "Alabama, Ohio, Virginia, New Jersey, and other states have governors who not only favor conferring the power, but favor the proposed amendment, which, if adopted, confers the power." *Congressional Record,* vol. 45, p. 2245. For many of these data I am indebted to Mr. Robert A. Mackay, Proctor Fellow in Politics, Princeton University.

[34] The evidence will be found in the following pages of the *Congressional Record:* vol. 44, pp. 1568–1570, 3344–3345 (President Taft's message), 3377, 3900, 4067, 4105–4121, 4389–4441; vol. 45, pp. 1694–1699 (Mr. Borah's speech), 2245–2247 (Senator Brown's views), 2539–2540 (Senator Root's letter to Mr. Davenport of the New York Senate).

Borah's quotation of a number of judicial dicta also asserting the plenitude of congress's power in respect of taxation. It does not seem to have occurred to him to notice that these dicta take their rise from a period long antecedent to *Collector* v. *Day* and *Pollock* v *The Farmers' Loan and Trust Company*, the decisions in which they thus directly impugn.[35] Nor is his invocation of certain principles of "constitutional construction" pertinent unless he means to imply that these are beyond the reach of constitutional amendment, since unlike the original grant of power to congress "to lay and collect taxes," the sixteenth amendment does not employ general terms, but words which are most nicely adjusted to the legal problem to be met,—a point which will become clear in a moment.

First and last, of the more than four hundred members of congress who voted to propose the sixteenth amendment, I have had brought to my notice utterances of just eight dealing with Governor Hughes's message. Senators Borah, Bailey, and Root dissented from the message, principally on the argument just examined. Senator Brown of Nebraska, the reputed author of the amendment, "agreed" with Mr. Borah, but was "willing to assume the contrary." Pointing out that no proposals had come to congress from any state calling for a modified proposal in consequence of Governor Hughes's message, he said: "It does not follow that the amendment should be rejected; on the contrary, it follows that it should be ratified. Because under that interpretation all the incomes would be treated alike." That "the man whose income arises from investments in state and municipal bonds should be exempt from the income tax," he continued, was "on the face of it" a proposition which did not commend itself. "It does not square with the doctrine of equal rights. It is hateful to every sense of justice. It cannot be defended in principle, nor can it be used successfully, in my judgment, to defeat the amendment." In short, Governor Hughes's view ought to be the correct one, whether it was or not, and was calculated furthermore to promote the ratification of the amendment. The house members referred to are on record only in press interviews. They are Mr. Payne of New York, who, as chairman of the ways and means committee, introduced the amendment into the house; Mr. Underwood of Alabama, leading Democratic member of the same committee, Mr. Walter Smith of Iowa, and Mr. Sherley of Kentucky. All of them were inclined to think Mr. Hughes's interpretation the correct one, and that it was probably a good thing that such was the case. Does Justice Van Devanter really think that this evidence supports his conclusions as to the interpretation of the sixteenth amendment?[36]

V

However, the question is not one of fact alone, but of mixed law and fact, so to say. Thus, it is a maxim which has been frequently applied by the court, that the constitution does not contain useless language.[37] But unless the phrase "from whatever source derived" has the operation which Mr. Hughes claimed for it, what operation does it have? Mr. Root sought to meet this difficulty by urging that the phrase in question was "introduced" in order to make it clear that incomes from property as well as those from personal service were meant to be covered by the amendment. The answer is obvious: the decision in the Pollock Case admits congress's right to tax the latter kind of incomes without apportionment; so Mr. Root's contention boils down to the proposition that notwithstanding its historical relation to the Pollock Case the amendment might have had no effect at all—might have been a work of supererogation—had not the phrase "from whatever source derived" been written into it!

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[35] The original source of the doctrine of the plenitude of congress's power of taxation is *Hylton* v. *U. S.*, 3 Dall. 171 (1796). See also *Pac. Ins. Co.* v. *Soule*, 7 Wall. 433. The reiteration of the same doctrine in the Pollock Case, which is obviously to be taken in the Pickwickian sense, is to be accounted for by the anxiety of the court to demonstrate that it was not depriving congress of the power of income taxation by its holding that a tax on incomes from property was "direct." See Mr. Hubbard's telling criticism in his article on "The Sixteenth Amendment," in the *Harvard Law Review*, vol. 33, pp. 794–812.

[36] The *N. Y. World*, Jan. 7, 1910.

A second suggested purpose of the clause may be disposed of just as summarily. This is to be found in Chief Justice White's opinion in the Brushaber Case and consists in the theory that it was the purpose of the amendment to classify all taxes on incomes as "indirect" by forbidding consideration of the source from which the incomes are derived. Unquestionably the amendment does forbid the consideration of the source of incomes in connection with their taxation; indeed, as we shall note in a moment, this is a fact of first importance in determining the amendment's true operation. But the notion that the amendment classifies all income taxes as "indirect" in the constitutional sense must to-day, in the light of what was said in *Eisner* v. *Macomber*, be abandoned; for it is there clearly implied that taxes on incomes derived from property are still to be considered as "direct," although the necessity for their apportionment is now at an end.[38]

The single application of the phrase that remains is, then, its literal application—the sixteenth amendment says that congress may tax incomes "from whatever source derived," and it means it! The phrase, moreover, was admirably chosen to strike at the very roots of the entire theory of tax exemption, which is that *because of their source* certain incomes ought to be considered not as private property but as instrumentalities of government. Henceforward such theories are to be discarded, and congress's power of income taxation is to be defined without regard to the source from which incomes are drawn. In this sense, indeed, the amendment does not *extend* congress's power of income taxation; it restores it to its original dimensions, and not by direct regrant but by levelling to its foundations the whole judicially fabricated structure of tax exemption.

But the case for this reading of the sixteenth amendment is still stronger when it is brought into touch with another acknowledged canon of constitutional interpretation. This is the one wherewith Chief Justice Marshall answered the argument in the Dartmouth College Case[39] that the word "contracts" as used in article I, section 10 of the constitution was not intended to embrace the charters of private eleemosynary institutions: "It is not enough to say that this particular case was not in the minds of the convention when the article was framed, nor of the American people when it was adopted. It is necessary to go farther and to say that, had this particular case been suggested, the language would have been so varied as to exclude it, or it would have been made a special exception. The case, being within the words of the rule, must be within its literal operation likewise, unless there be something so obviously absurd, or mischievous, or repugnant to the general spirit of the instrument as to justify those who expound the constitution in making it an exception." This maxim has been repeatedly sanctioned by the court, twice in recent cases.[40] Can it be said that there is any such absurdity or repugnancy to the literal rendering of the sixteenth amendment as to exclude it from the rule just stated? It has already been shown on how frail a foundation the doctrine of tax exemption rests especially as applied to income taxation, and also how this doctrine operates to defeat what is universally acknowledged to have been a controlling purpose of the sixteenth amendment, to wit, a more equitable distribution of the burden of taxation.

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[37] See *the Constitution of the U. S. Annotated*, George Gordon Payne, Editor; Gov't Printing Office, 1923; at pages 45–46, and in cases there cited. The rule is directly applied in *Calder* v. *Bull*, 3 Dall. 386; and in a number of cases in which the term "due process of law" of the fifth amendment is compared with the same clause of the fourteenth amendment. See *Davidson* v. *N. O.*, 96 U. S. 97; *Hurtado* v. *Calif.*, 110 U. S. 516; etc.

[38] Chief Justice White offers no proof of his singular theory of the purpose of the clause, and his argument for his position involves the admission that the decision in the Pollock Case was usurpation of power by the court.

[39] 4 Wheat. 518.

Yet all this is on the assumption that the intention of those who framed and ratified the sixteenth amendment is a consideration which is material to its interpretation. There is, however, a third maxim of constitutional interpretation which renders this assumption extremely doubtful. The point is that the words "from whatever source derived" are so clear in themselves when not approached with preconceptions drawn from the outside that, in the words of Chief Justice Marshall in a similar case, they "neither require nor admit of elucidation."[41] The court has repeatedly said that "the construction and application of a provision are not restricted by and to the purpose of its adoption";[42] that "it cannot be inferred from extrinsic circumstances that a case for which the words provide shall be exempted from its operation";[43] that—with specific reference to the "commerce" clause—"the reasons which may have caused the framers of the constitution to repose this power . . . in congress do not . . . affect or limit the extent of the power itself."[44] In short, the rule would seem to be that when the literal meaning of a constitutional provision is clear, it is not the speculative intention of the authors of the provision but the text itself which governs; and it is submitted that this rule is applicable in the present instance. No more precise wording could have been chosen to convey the power contended for in this paper, while contrariwise it is in the interest of a *restrictive* application of the words of the amendment *only* that the problem of their interpretation has been created, as it were, out of whole cloth. It is truly a case where the interpretative process is resorted to "not to remove an obscurity, but, to import one."[44a]

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[40] *Ozawa* v. *United States*, 260 U. S. 178; *United States* v. *Bhagat Singh Thind*, decided Feb. 19, last.

[41] *Wayman* v. *Southard*, 10 Wheat. 1.

[42] *Constitution of the United States Annotated.* (See note 37, *supra*), p. 42, and cases there cited.

[43] *Op. cit.* p. 45, and cases there cited.

[44] *Addystone Pipe and Steel Co.* v. *United States*, 175 U. S. 211. *See* also *Gibbons* v. *Ogden*, 9 Wheat. 1, and *Chisholm* v. *Georgia*, 2 Dall. 419.

[44a] Justice Sutherland, in *Russell Motor Car Co.* v. *U. S.*, decided April 9 last. The opinion cites several cases forbidding resort by a court to legislative debates for extrinsic aid in interpreting a statute: *Lapina* v. *Williams*, 232 U. S. 78, 90; *Omaha & C. B. Street R. Co.* v. *I. C. Com's'n*, 230 U. S., 324, 333; *Standard Oil Co.* v. *U. S.*, 221 U. S. 1, 50; *United States* v. *Trans-Mo. Frt. Asso.*, 166 U. S. 290, 318. The objections to invoking

VI

We now return to the second point raised above with respect to the decision in *Evans* v. *Gore*,[45] namely, whether it involves the broader question of the status, in relation to the sixteenth amendment, of incomes from state and municipal bonds and the salaries of state officials. The point of view, however, from which this query is put should be made clear. There is no anxiety to preserve the decision in *Evans* v. *Gore*, which fully as much as *Collector* v. *Day*[46] illustrates what curious results the judicial mind can sometimes achieve when it chooses to let itself go. The proposition for which *Evans* v. *Gore* stands is that a certain category of national judges should not be required to pay on their salaries the same taxes to the national government as other people would on a like income, although they receive the same protection from the government; that while as to ordinary incomes a payment of taxes is a use thereof, as to certain judicial salaries it is a forced surrender, a confiscation. But if to collect a general income tax on the salary of a judge in office when the tax was enacted is to diminish such salary in the sense forbidden by article III, then to repeal, or even to reduce, an income tax reaching the salary of a president in office would be to increase such salary contrary to article II, and furthermore, to repeal or to reduce the tax as to any part of the income of the president in such a case would be another "emolument from the United States," also forbidden by article II. In other words, as to everybody else in the country an income tax can be repealed or reduced at any time, but as to a president taking office under the act it must be collected to the end of his term, and not only on his salary but on all his income, and at the same rate! Furthermore, in failing to note any distinction between a discriminatory and non-discriminatory taxation of judicial salaries, the decision actually exposes the salaries of future judicial incumbents to special exactions. For while the "judicial independence" of judges in office at any particular time is bulwarked behind this decision, that of judges-to-be is still left to the mercy of congress and their own fortitude.

But while this decision, for the reasons stated, can hardly claim our applause, it is, nevertheless, until it is set aside by the court, a fact to be reckoned with, and so the question of its scope becomes one of importance. The precise inquiry is, therefore, whether the question decided in *Evans* v. *Gore* can be distinguished logically from the question which would be raised by the application of a national

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a supposed "intention" of the legislator as interpretative of the law are admirably stated by Malberg, *Contributions à la Theorie Générale de l'Etat* (1920), I, sec. 237. "In order that the will of the legislator become law, it must take form in an official text adopted in solemn form. . . . That procedure which consists in imputing intentions to the legislator by taking account of the state of mind, the customs, the circumstances which prevailed at the period of the making of the law can furnish interpretation only very vague data. . . . The text alone has the authoritative validity of the law," *ibid.* The objections against resort to extrinsic aids are, of course, vastly multiplied in the case of an amendment to the constitution of the United States, which becomes law only after proposal by two thirds of each house of congress and the favorable vote of three fourths of the state legislatures. To rely upon the views of not more than four men, as Justice Van Devanter does, as expressive of the "intentions" of this far-flung legislative organ would of itself be ridiculous, even if their utterances were not more than offset by contrary evidence, which, however, is clearly the case.

[45] See note 24, *supra*.

[46] Cited in note 13, *supra*.

income tax to incomes from state and municipal bonds and to state official salaries? I submit that it can be, for two reasons: In the first place, while the decision in *Evans* v. *Gore* is based on a clause of the written constitution, no such clause can be invoked in behalf of the incomes just mentioned. Be it noted that the court does not claim that national judicial salaries are inherently exempt from national taxation; and indeed, as we have seen, such salaries are subject to an income tax if the tax is in existence when the incumbent takes office. Thus, notwithstanding the importance of the principle of the separation of powers in our system, as well as of the principle of judicial independence, yet neither of these principles, nor both together, were regarded by the framers of the constitution as sufficient to secure the exemption enforced in *Evans* v. *Gore*, but that exemption had on the contrary to be stipulated for in the written instrument itself. The exemption of incomes from state and municipal bonds and of state official salaries from national income taxation is, on the other hand, merely a deduction, and a far-fetched one at that, from theories external to the constitution. The question is surely prompted, why, if implication was insufficient in the one case, should it be supposed to suffice in the other?

The second difference between the case decided and the one suggested is even more cogent, though less obvious. It can be put in this way: That whereas the exemption which judicial salaries receive from the constitution has no reference to the *source* of the salary but, on the contrary, is extended to the *recipient* thereof, the exemption which is claimed for incomes from state and municipal bonds—and I should say the same thing of state official salaries—is claimed solely on a consideration of the *source* of such incomes and totally without regard to the deserts or necessities of the *recipients.* Or to put it slightly differently, whereas certain judicial salaries are protected *as such* by article III of the constitution, income derived from state and municipal bonds is sought to be protected *despite its being income* by considering its source. But if the contention of the present writer be accepted, as it must be at this point at least for the purpose of argument, consideration of source is precisely what the sixteenth amendment forbids in the determination of the scope of congress's power in taxing incomes. So, conceding the point decided in *Evans* v. *Gore* to have been correctly decided, namely, that the tax there involved was a diminution of judicial salaries in the sense of article III, the sixteenth amendment had absolutely no bearing on the case; not, however, because the amendment does not purport to enlarge congress's power of taxing income, but *because the criterion which had previously restricted this power and which is now repealed by the amendment, does not appear in article III.* It follows of necessity that what was said in *Evans* v. *Gore* about the sixteenth amendment was pure *obiter dictum* and without any legal weight whatsoever.

To summarize: (1) Congress has the power to permit state taxation of national securities by non-discriminatory taxes. (2) On correct theory, it has always had the power to tax incomes from state and municipal securities by a general income tax. (3) The sixteenth amendment restores that power by striking down the judicial theory whereby such incomes came to be exempted. Congress may tax incomes from whatever source derived. The words of the amendment are perfectly explicit and the sense of them could not be made clearer by a dozen constitutional amendments. What is needed, therefore, is not further tinkering with the constitution but an act of congress assertive of its present powers. Nor is there any judicial decision interpretative of the sixteenth amendment which stands in the way of such an assertion of power. Yet even if it were otherwise, that should not deter congress from taking the proper steps to secure a reconsideration of so important a question. In the words of the historian of the constitution: "It is the constitution which is the law, and not even the past decisions of the court upon it. . . . To the decision of an underlying question of constitutional law no . . . finality attaches. To endure it must be right."[47]

It only remains to indicate briefly the form that congress's action should take. This action would be based on the fundamental premise that public securities in the hands of private persons are private property and that the income from such securities is private income. On the one hand, therefore, congress should subject all future issues of national securities, as well as the incomes therefrom, to the unimpeded operation of the general, non-discriminatory tax laws of the states, and, on the other hand, claim a like operation for the national income tax upon the incomes from all future state and municipal issues. That is to say, the act should be reciprocal as between the national government and the states, and it should respect existing vested rights and moral obligations. To be sure, it may be argued that expectations growing out of an attempt to evade taxation are not entitled to much respect, yet the answer is plain: the evasion was one which the law itself, allowed and indeed promoted; wherefore it would be most imprudent to ask the court to disappoint such expectations. And anyway there is no need to cry over spilt milk if only we can make sure that no more milk will be spilt.[48]

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[47] Bancroft, *Works*, IV, 549, as quoted by F. J. Stimson, the *American Constitution*, etc., p. 29. See also to the same effect Bancroft's *History* (Author's last revision), VI, 350. See further to the same effect George Ticknor Curtis, *Constitutional History of the United States* (N. Y., 1897), II, 69–70; also, Chief Justice Taney's words in *The Genessee Chief*, 12 How. 443, overruling *The Thomas Jefferson*, 10 Wheat. 448: "We are convinced that if we follow it we follow an erroneous decision, and the great importance of the question could not have been foreseen."

[48] An additional difficulty in the way of maintaining *Collector* v. *Day* today should have been noticed under section II *supra*. *Green* v. *Frazier*, 253 U. S. 233, makes it clear that states may today borrow money to an almost unlimited extent for purposes which were non-governmental in 1789. Yet by *South Carolina* v. *U. S.*, 199 U. S. 437, *a state is not entitled to claim exemption from national taxation in the discharge of such functions.* On this ground alone the right of holders of state and municipal bonds to be exempt as to such holdings from the national income tax becomes most questionable in many cases. And generally speaking, it seems clear that the court cannot profess to uphold both *Collector* v. *Day* and *South Carolina* v. *U. S.* indefinitely.

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NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 2 FEBRUARY, 1924 TOTAL No. 92

CO-OPERATION BETWEEN THE MUNICIPALITIES OF THE AMERICAN CONTINENT

BY L. S. ROWE

Director General of the Pan American Union

A proposal that the National Municipal League broaden its activities in co-operation with municipalities to the south of us. :: :: ::

ED. NOTE: This is the abstract of an address delivered before a joint session of the annual meetings of the National Municipal League and the Governmental Research Association, Washington, D. C., November 15.

ONE of the outstanding facts in the recent political development of the countries of Latin America is the growing appreciation of the importance of strengthening municipal organizations and activities. They appreciate as we appreciate the fact that the daily life, the standard of comfort and, in fact, the social and economic development of the country are affected much more closely by the character and efficiency of its municipal institutions than by any other factor in national life.

The recent improvements in municipal organization in the United States have aroused wide-spread interest throughout Latin America and have given rise to a no less marked desire for a well-organized interchange of experience, in order that every municipality on the American continent may benefit by the experience of its sister cities.

Unless I am much mistaken, there is a wide-spread feeling in the United States that our municipal experience carries with it many lessons to Latin America, but that we have little to learn from Latin-American cities. This is far from being the case. From the point of view of what may be called the social and artistic activities of organized government, the Latin-American cities have much to teach us, for they have never permitted the haphazard building development which has characterized our American cities. In the matter of civic planning the laying out of parks, the construction of public buildings and the beautifying of water fronts, the larger cities of Latin America are far in advance of most of our American communities.

The extension of the sphere of action of the National Municipal League so as to include Pan-American co-operation in the solution of municipal problems will constitute a real forward step in the development of closer relations between the republics of the American continent. The recent International Conference of American States, usually referred to as the Pan-American Conference, which assembled at Santiago, Chile, in March last, recognized the importance of this movement by adopting a resolution recommending that the governments of the American continent facilitate in every possible way the establishment of closer ties between the municipalities of North, Central and South America, and that they foster the interchange of data and experience in order that each municipality may profit by the successes as well as by the failures of its sister cities.

The specific proposals which I would like to submit for consideration are:

1. That the National Municipal League place itself in touch with civic organizations in Latin America whose purpose it is to foster civic progress.

2. That there be established in the National Municipal League a Pan-American Bureau of Information which will furnish to municipalities throughout the American continent data relative to municipal improvements and will serve as a clearing house of information to which officials throughout the American continent may have recourse.

3. That the publications of the National Municipal League give some attention to the municipal progress of the great Latin-American cities.

4. That at some time in the near future a Pan-American Conference on Government and Civic Progress be held either in the United States or in one of the Latin-American countries.

ILLUMINATION OR ADVERTISEMENT?

BY J. HORACE McFARLAND
President, American Civic Association

An answer to the question, How much light should be provided on business and residence streets? (Adapted from a letter to H. H. Franklin, of Syracuse, N. Y., written in reply to his inquiries.) ::

Some years ago there was a very careful discussion in the city of Milwaukee on the distribution of light on streets, and the discussion, instituted by an unusually acute city engineer, was backed up by experiments and what are known as foot-candle measurements. The idea was an even low illumination on the public streets. When the Washington lighting was changed over some years ago, a rather careful study was made there.

THE SCIENCE OF ILLUMINATION

Stated simply without going into the minutely technical part of it, it would come to something like this:

1. The human eye does have a controlling iris mechanism something like the iris diaphragm in a photographic lens, and resembling the iris of a cat's eye in everything except quickness of action. This human iris diaphragm reacts rather promptly to the strongest source of light, but does not instantly accommodate itself as does the cat's eye to a changed source of light. Thus if you look directly at the sun or at an arc light and quickly turn away, everything away from the light is darkened for you because your eye has not accommodated itself to the sudden change.

If at your home a dinner is given and

the table is illuminated by shaded candles, of which there may be a half dozen or a dozen, you find that through this accommodation of the eye this very restricted illumination, in whole hardly equaling in foot candles the light from one ordinary incandescent bulb, is altogether sufficient for carrying on the affairs of the dinner.

But if in this softly and agreeably illuminated room you turn loose one unshaded Tungsten light to which the eye is attracted, immediately the candle illumination becomes unsatisfactory because the eye has endeavored to accommodate itself to the intense brilliance of the Tungsten filament.

2. Thus there are grades of illumination to which the human eye adapts itself, but it is always true that the adaptation is to the higher source of illumination. In Washington the lighting was carried out so that all the lights visible on a street were of the same grade. The manager of the Shoreham Hotel told me that when he was required to take away his brilliant lights in front of the Shoreham he was bothered until he found that he had better lighting and less expense.

In the Milwaukee experiment an attempt was made to provide a relatively even and soft illumination which would broadly have the effect of a candle-lighted interior. It was not considered necessary that "the finest print could be read anywhere on a business or residence street," but it was considered necessary to restrain ultra-bright lights privately provided which would destroy the soft and uniform quality of the city's lights.

INFLUENCE OF ONE BRILLIANT LIGHT

3. Now if you will put together these statements you will note this: If on the public street a private person is permitted to display, for example, one unshaded arc lamp or similar source of intense brilliance, not only the city's lights but all other private lights must be pushed up to meet this one ultra-brilliant light. There is then an enormous waste of electrical energy wholly unnecessary for illumination and distinctly disadvantageous to the human eye. The electric light companies would not agree with me because they have current to sell, but it is a fact that if illumination is the only purpose and not advertising or the sale of light (not illumination, please note), most of our city streets could be made far more agreeable to live on, work on and do business on than they are now at about half the cost for current though at greater cost for distribution.

4. A good method of arriving at a proper distribution is what is known as the shadow test. Start at a light source or lamp-post, walking away from it, and you will notice how your shadow lengthens out before you. If you walk toward another source of light you will come to a point where the shadows meet. If it is nearest the second source of light the distribution is uneven. The ideal condition would be such a distribution as would not show any strong shadows, but this is virtually impossible.

Setting up ideals for illumination, I may hazard the statement that on a business street it is desirable to have it so that one can readily see everything on the streets and sidewalks and with safety cross the street. In a residence street a lower scale of illumination will be satisfactory, but every part of the street, under the trees as well as in the open, should be illuminated for safety and comfort.

Carrying out this plan of ideals you will note that any unshaded source of light of extreme brilliance is altogether wrong and unfortunate, whether it be publicly or privately provided. It is *illumination* that is wanted, not light, and it is better if the source of light appears only as an incident to the illumination which results from proper distribution. For an example look into a store window in which the unshaded electric bulbs are the source of an attempt at illumination. It will be difficult to see the things there exposed to light, because the eye insensibly turns to and is dazzled by the source of light. Contrast this, if you please, with a window illuminated from above but with the source of light invisible. You see the goods displayed to the greatest advantage if the work has been well carried on.

5. The question has been asked as to whether it is necessary that "the maximum light be provided from sunset to sunrise." It seems wise to provide an even amount of light during the period of illumination, but whether the light is graduated or held to the same standard it will during the twilight seem to be inadequate. The total amount of light possible to provide electrically at night is so infinitesimal in comparison with the light of the sun, that the transition from one to the other always gives a sense of darkness.

To illustrate this, on some sunny day draw the shades in your living room, turn on all the electric lights and walk in from the outer sunshine. You will discover that the lights, entirely adequate in the evening, only punctuate the gloom in the daytime. This is, of course, because of eye accommodation.

The amount and distribution of light to be provided on the streets of any city, therefore, depend altogether on whether illumination only is desired, or whether the taxpayers are willing to provide a large amount of unnecessary light upon the public streets in order to meet the advertising electrical displays, either public or private, which not very agreeably distinguish "Main Street" in much of America.

HOW CLEVELAND'S FIRST PROPORTIONAL REPRESENTATION BALLOTS WERE COUNTED

BY HELEN M. ROCCA

Department of Efficiency in Government, National League of Women Voters

The technique of the count explained by one who participated in it.

The first steps in the official count of the proportional representation ballots in Cleveland's first election under its new city charter were taken in the basement of the Public Auditorium on Thursday, November 8 last. Preparations for conducting the count such as the adoption of a systematic plan, the purchase of equipment, and the training of a corps of workers had, however, been under way for some time. An account of the methods used to tabulate the count must therefore go back to a period which antedates the time at which the official count actually began.

THE PRELIMINARIES

Although there had been considerable discussion and the formulation of some general plans at an earlier date, it was not until October that the plan adopted by the board of elections for conducting the count began to crystallize. Upon the adoption of this plan, the necessary equipment was ordered and definite steps were taken to train the workers who were to assist in making the count. For the latter purpose six evening classes were held during October and the first week in November, at which opportunities to become familiar with the principles of proportional representation as well as with the equipment and the methods to be used in the official count, were offered. Each worker was summoned to appear at one of these classes, which were held in the offices of the board of elections, and from the groups thus trained the one hundred and ninety-seven workers in the final count were chosen. Each person who attended a class was paid $2.50 for his time. The equipment had been purchased by the time the classes were held and ballots which had already been marked in a supposed election (the candidates being popular baseball players) were used. An official count of a miniature proportional representation election was thus conducted in order that the workers might be given such experience as would fit them for the final count.

The usual unofficial count had been made in the precincts Tuesday evening after the polls closed, after which the ballots were transferred from the precinct booths to the offices of the board of elections, where the unofficial tabulation of the board began about 11 P.M., Tuesday, and continued through Wednesday. In this election, the precinct count, so far as the proportional representation ballots were concerned, consisted of segregating the ballots according to the first choices expressed, placing them in the envelopes bearing the name of the candidate to whom they belonged, and finally placing all of the envelopes (sealed) in a larger envelope, sealed and marked with the ward number and the precinct letter. All invalid ballots or ballots in which there was a question of validity were placed in a separate envelope.

The workers were summoned to appear in the Exhibition Hall of the Public Auditorium at 8.30 A.M., Thursday, November 8, and although most of them were in their places at that hour, it was actually much later when the count began. Shortly after ten o'clock, the huge sacks containing the ballots (in the sealed envelopes) were wheeled in on trucks. At about the same time the wooden containers (one large and one small one for each candidate), numbering machines, pencils, rubber stamps bearing the names of the candidates, dividers, record sheets, etc., were placed in order. The charter provides that "the candidates or their agents, representatives of the press, and, so far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public shall be afforded every facility for being present and witnessing these operations." For the benefit of spectators, part of the hall was therefore divided off from that part occupied by persons engaged in the count. Only persons assisting in the count were allowed within the latter space and the entrance to it was at all times guarded by two policemen.

FOUR DISTRICTS COUNTED SIMULTANEOUSLY

The new charter divides the city into four large districts for the purpose of electing councilmen, and provides that "the counting of the ballots cast in each district shall . . . be carried on by a central counting board for each such district, appointed by the central election authorities and acting under their direction." The count for each district was therefore conducted separately (and simultaneously) by a district chairman, who in each case was an employee of the board of elections, with one member of the board being assigned to each district and exercising general supervision over the count in that district. Mr. George H. Hallett, Jr., assistant secretary of the Proportional Representation League, acted as the official adviser to the board of elections during the count. Mr. Hallett came to Cleveland early in October and offered many valuable suggestions both before and during the count. Each district also had an expert accountant and a "blackboard man."

It may be well to state that the writer was assigned to the fourth district and that in general the following description is of the count in that district, although except in the most minor details, it applies to the count in any of the other three districts.

FIRST CHOICES CHECKED

The first operation of the official count was that of verifying the returns of the precinct officers. In this stage of the count the workers stood or sat at tables, each worker handling the ballots of one candidate. The workers were arranged in alphabetical order according to the names of the candidates. The precinct envelopes had previously been arranged by ward and in alphabetical order on the floor at one side, and, as each precinct envelope was opened, the smaller envelopes inside were passed to the workers, each worker being given the envelope which bore the name of the candidate for whom he was acting as tally clerk. The worker then opened the envelope, took out the ballots and checked them to see if he had any ballots which did not belong to him—either because of their being invalid or being marked with a first choice for some other candidate—counted them, and determined if the number tallied with the number marked on the envelope by the precinct officials. Any changes in the precinct returns were noted on the candidate's envelope and, in case of doubt as to the validity of a ballot, the question was referred to the district chairman. In the instructions sent to the tabulators (with the official summons to appear for duty) the board of elections had said that "so far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid. An invalid ballot is one from which the first choice of the voter cannot be determined." Very careful consideration was given by the district chairman to any ballot over which a question of validity arose, and it is the writer's impression that an absolutely just decision was made in each case. The rule had also been made that "a single X in the absence of a figure 1 should be counted as a first choice. If a ballot contains a single figure 1 and one or more X's besides, count the figure 1 as the first choice. If there are two or more X's on a ballot without a figure 1, or two or more 1's, count the ballot invalid."

After the envelopes for each precinct had all been checked, the district chairman or his representative took the summary sheet for that precinct and checked up the results of the tabulator's count by calling the name of the candidate, the tabulator responding with the number of ballots in his envelope. Any changes were noted on the precinct summary sheets. The workers then placed their envelopes face up in the large, narrow, wooden containers standing directly behind the work tables and marked with the candidates' names. Since the precinct envelopes were arranged in alphabetical order, and since the first envelope used in verifying the precinct returns was the last envelope in the ward with the highest number, when this operation was completed the envelope of the first precinct was therefore on top and the whole number was arranged in order. As the verification of the precinct count progressed, other workers were examining the envelopes containing the ballots regarded by the precinct officials as invalid or in doubt. As valid ballots were discovered, they were transferred to the correct envelope and the changes were noted. Two of the four districts finished the official review of the precinct count on Friday, and the other two on Saturday. The staff worked seven hours a day on week days, and six hours on Sunday. They were paid $5 a day for their services.

The next step was that of numbering the ballot of each candidate with the consecutive numbering machines provided for that purpose. In performing the remaining operations, the workers sat at tables directly behind the huge blackboard—two hundred and four feet in length—which had been divided into four sections, one for each district, and in the proper section had printed upon it the names of the candidates in the district in question. The board also contained for each district, columns providing for forty different counts, spaces for the quota, for the number of ineffective ballots, and for the candidates whose names were written in. At the tables (two rows for each district) the workers were provided with smaller wooden containers for the ballots, consecutive numbering machines, dividers to separate the ballots received in one transfer from those received in the others, pencils, rubber stamps bearing the candidates' names and tally sheets to keep records of each transfer. The ballots were taken from the envelopes and stamped in the space to the right of the first name on the ballot (the names on the ballots were, of course, rotated), and the tally clerks were cautioned to count the ballots once again as they stamped them, thus providing a double check. The ballots were then placed in the containers, the last number was taken as the total number of first-choice votes for a given candidate, and these figures were written on the large sheets kept for the official records of the board of elections. When the total figure obtained in this way had been made (by correcting any errors) to tally with the figure obtained as the total on the precinct summary sheets, the total number of valid ballots was recorded on the blackboard and the quota was then obtained. The quota was, of course, obtained in the usual way, by dividing the total number of valid ballots cast by the number of seats to be filled plus 1, disregarding the fraction, and taking the next largest whole number.

TRANSFERS BEGIN

Four persons—one in the first district, one in the third, and two in the fourth—reached their quotas on first-choice votes. In all but the second district, therefore, the next step was that of transferring the surplus ballots according to the next choice marked on the ballots. In the second district, the candidate with the smallest number of first-choice votes was immediately eliminated and his ballots were distributed according to the second choices expressed. In taking away the surplus ballots in the other districts, the charter provides that "the particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection." Small boxes or pigeonholes were provided for the distribution of the surpluses and for the ballots of eliminated candidates, the ballots being placed in them by distributors. The ballots were then taken from the small boxes by the runners and taken to the tally clerk of the candidate to whom they belonged. The tally clerk numbered them with his numbering machine—continuing, of course, with the next number after the last one he had reached in stamping the first-choice ballots—the number being placed immediately beneath that of the number previously stamped on the ballot, and then the ballot was stamped with the name of the candidate to whom it was transferred. In this way the actual record of each transfer of a ballot was on the ballot itself, and if any question arose, the history of the ballot could be learned immediately. After each transfer the tally clerk recorded on his record sheet in the spaces provided: (1) the number of ballots which his candidate then had, and (2) the number of ballots which he gained by the transfer. He then placed the ballots in the wooden containers, with the proper divider (the dividers were marked with the numbers of the counts) on top.

The district chairman or his representative then passed down the aisle behind the tally clerks and called off the name of each candidate, followed by the number of ballots he had gained in the transfer. These figures were recorded on the official blanks and then the totals were added on the adding machine. Each district had one adding machine with an operator, the machines and operators having been loaned by a local office supply store. It was, of course, necessary for the total number of ballots gained to tally with the number of ballots transferred. As one naturally would expect, occasionally someone made an error—a numbering machine skipped when the clerk was not alert, or an error in subtraction was made on the clerk's record sheet—and it was necessary to trace it and correct it. Such errors, however, were infrequent and as the count proceeded and the workers became familiar with their work were almost eliminated. When the figures checked—and not before—the standing of each candidate was recorded on the blackboard, following his name and in the proper column for that particular count. Each district was provided with a tall ladder and a blackboard man—the necessary qualifications being a good reach and the rare ability to make well-rounded figures—who recorded the figures after each count. The blackboard was arranged to show whose ballots were being transferred in each case, and, when a candidate was eliminated, a circle in red chalk was marked around the number of ballots he had at the time. After the surplus ballots had been transferred, the count proceeded in each district with the elimination of the candidate having the smallest number of ballots at the time. As soon as one transfer had been made so that it was possible to determine the candidate next to be eliminated, the transfer of his ballots was begun, and the count proceeded in the manner already described.

The second district, where there were twenty candidates from whom five councilmen were to be elected, and the third district, where there were eighteen candidates with six councilmen to be elected, finished the entire count on Sunday. The first and fourth districts, each electing seven councilmen, finished on Tuesday morning. There were thirty-eight candidates in the first and forty-three candidates in the fourth district. The first district finished on the thirty-second count; the second on the fifteenth count; the third on the thirteenth count; and the fourth on the thirty-eighth count. It may be interesting to note that in addition to the four persons who were elected on first-choice votes, only six others reached their quotas. In the second district no one reached the quota, in the first district three did, in the third district four, and in the fourth district, three. It should be remembered, of course, that when the point was reached where there were only two candidates left in the running, the low candidate was eliminated and the other declared elected without transferring the transferable ballots to him.

THE COST

Although the bookkeeper of the board of elections reports some minor bills still outstanding at this writing, in round numbers the total cost of the election—including equipment, rent of the hall, salaries to all employees, etc. —will be $25,000. Of this $25,000, $5,000 was paid for the rent of the Exhibition Hall in which the count was conducted, $5,467.50 was paid in salaries to workers during the count, and $1,020 was paid in salaries to those attending the evening training schools for workers. It should be remembered that the equipment used was of a permanent character—in fact, so permanent in character as to have drawn forth criticism on the part of some who believed that in several instances much less expensive equipment could have been used. The cost of the equipment should not, therefore, all be charged to the expenses of this one count, but should be spread over the cost of a number of counts in coming elections, provided the proportional representation provisions in the charter are retained.

CONCLUSIONS

It is not the purpose of this article to draw any general conclusions about the election. The attempt has only been made to tell exactly what happened during those five and one-half days when the official count was being made. It might, however, not be out of place to add that there was some dissatisfaction—especially early in the count—with the way in which it was being conducted. There were some who considered the methods and equipment too expensive, the classes for the training of workers unnecessary, the delay during the first morning unjustified, and the facilities for spectators and candidates to observe the count inadequate. When the count was completed, however, the consensus of opinion seems to have been, not only that the council elected under the new system was the best in years, but that the count had in general been conducted with accuracy, with as much speed as accuracy made possible, and that the achievement was one of which, with some few exceptions, the board of elections may justly be proud.

TORONTO MUNICIPAL TRANSPORTATION SYSTEM

BY R. FRASER ARMSTRONG, A.M.E.I.C.
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Toronto has had more than two years' experience with municipal operation. You will be interested in this impartial analysis of her experience. :: :: :: :: :: :: :: :: :: ::

At the annual municipal elections held by the Corporation of the City of Toronto on January 1, 1920, the electors who were qualified to vote on money by-laws, by a large majority, gave their approval of the following considerations:

(1) The operation of the Toronto Railway System by a commission of three ratepayers resident in the municipality, to be appointed by the city council and to act without salary.

(2) The city's applying for legislation enabling it to borrow money without a further vote of the electors to acquire the property of the Toronto Railway Company which the city is entitled to take over under the agreement between the city and the company and for the purpose of the transportation commission and to make arrangements for the operation thereof.

TORONTO TRANSPORTATION COMMISSION

As a result of the above vote, application was made to the Legislative Assembly of the Province of Ontario, whereby legislation would be enacted which would authorize the corporation of the city of Toronto to establish a commission under the name of "The Toronto Transportation Commission." Legislation providing for this commission was assented to June 4, 1920. Its personnel and powers may be briefly described as follows:

Personnel. (1) The commission to consist of three (3) members, as appointed by the city council, and to serve for three (3) years and to be paid such salary or other remuneration as may be fixed by council. (The commissioners to date have served without remuneration.)

(2) No member of the city council is eligible for appointment as a member of the commission.

Powers. (1) The commission to be entrusted with the control, maintenance, operation and management of the Toronto Railway Company upon its acquisition by the city, the Civic Lines, and any other railways that the city may, from time to time, acquire.

(2) The city may at any time entrust to the commission the construction, control, maintenance, operation and management of lines of motor buses, or subways, or tubes, or of any method of underground or local overhead transportation. (This has been done.)

(3) The commission to consider generally all matters relative to local transportation in Toronto.

(4) The commission to construct, control, maintain, operate and manage new lines of street railway.

(5) The commission to fix such tolls and fares that *the revenue shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper.*

(6) The commission to requisition for money necessary to carry out its powers and duties, but nothing herein

contained to divest the city council of its authority with reference to the providing of money for such purposes.

(7) The commission to furnish the city annually an operating and financial statement and keep the books at all times open for inspection by the audit department of the city.

The legislation also authorized the council of the city of Toronto, without submitting same to the qualified electors, to pass a by-law or by-laws, from time to time, for the issue of "City of Toronto Consolidated Loan Debentures" for such sum or sums as may be deemed necessary by the council for the following purposes:

(a) To acquire such property of the Toronto Railway Company as the corporation was entitled to take over.

(b) To provide and pay for such plant, equipment and other facilities as may be necessary in anticipation of the taking over by the corporation of the property of the Toronto Railway Company, and to meet such other expenditure as might be necessary in making arrangements for the operation of the property when acquired.

(c) To provide the commission with moneys, with which to construct new lines or extensions, to provide rolling stock and equipment, erect buildings, acquire lands and otherwise carry out the provisions of the enacted legislation.

STREET RAILWAY SYSTEMS PREVIOUS TO SEPTEMBER, 1921

Previous to the acquisition of the Toronto Railway Company, the following four systems of street railways were operating in the city:

I. Toronto Railway.
II. Toronto Civic Railway (four divisions—each charging a separate fare—owned and operated by city of Toronto).
III. Toronto & York Radial (three separate divisions, each charging a separate fare).
IV. Toronto Suburban Railway.

The Toronto Railway Company served an area of 17 square miles, the cash fare was five cents with regular and limited tickets, at reduced rates. It gave, in addition, a free transfer on its lines. A board of arbitration—by majority vote—has named $11,188,500 plus interest at 5 per cent as the purchase value of this railway system. This award has been appealed by both the city and by the Toronto Railway Company.

The Toronto Civic Railway supplied service in the districts beyond those reached by the Toronto Railway or other private line. The fare charged was cash 2 cents or 6 tickets for 10 cents. No transfers were given between the different divisions.

The Toronto and York Radial Railway supplied suburban service in the areas lying north, east and west of the city. A separate fare of 5 cents was charged within the city on each division and no transfers were given. When these lines were taken over by the commission the portions outside of the city were turned over to the Hydro-Electric Commission of Ontario as trustees for the city.

The Toronto Suburban Railway operated in the northwestern section of the city. The fare charged within the city was cash 5 cents or 6 tickets for 25 cents, with limited tickets at 8 for 25 cents. The city portion of this system has only recently been purchased, and the work of rehabilitation is now in hand.

The tracks of all the above systems, within the city limits, have been acquired by the city and placed under the control of the commission.

PAYMENT OF MORE THAN ONE FARE NOT SATISFACTORY

The necessity of paying more than one fare, if travel was not confined to certain areas, was most unsatisfactory.

This condition, coupled with the inconvenience and delay in transferring from one system to the other and the general poor condition of the roadbed and equipment, led to the demand for a full and efficient service on a one-fare basis between all sections of the city. These demands culminated in the electors voting, by a large majority, in favor of the acquisition of the Toronto Railway at the expiration of its franchise, which was to terminate September 1, 1921.

CONCERNING PRESENT ADMINISTRATION

Now that a general outline of conditions leading up to the present operation of the Toronto Street Railway has been given, a discussion on the following questions may perhaps help the reader to form a judgment as to whether or not municipal ownership has been satisfactory, so far as this particular utility is concerned.

1. Is a satisfactory service given?
2. Is the revenue covering all proper charges?
3. Is the administration efficient?
4. Is the present fare a reasonable and necessary charge?
5. Does the appointment of the commission directly by the city council allow politics to creep into the administration?
6. Has the citizen benefited by the adoption of municipal control?

IS A SATISFACTORY SERVICE GIVEN?

In the question of service, the citizens of Toronto have little reason to complain. When the existing lines were turned over to the commission, they were in such condition as to require much reconstruction and repair. The carrying out of this necessary work produced operation difficulties but, even under this handicap, good service was given which has gradually improved until to-day Toronto can boast of having one of the best transportation services on the continent. Every effort seems to have been made to serve the public and it is rather remarkable how the extensive reconstruction program has been carried out without seriously interfering with the regular routing of the cars.

Before undertaking any considerable work, the commission decided, in view of the condition of the systems taken over by the corporation, that the only wise course to pursue was practically to reconstruct the old lines, carhouses, shops and other equipment. Bringing everything up to the most approved standards was considered as being, in the long run, an economical policy and allowing the best results as regards service. Such progress has been made that the commission was able in July of last year to re-route the entire system, adding much to the convenience of the travelling public, and it is claimed that this move allowed additional service to be given without increasing the cost. Speed in service, especially during the rush hours, has been materially increased.

With the finish of last year's work, which substantially completed the present program of the commission, the total cost of the system, including the acquisition of the Toronto Railway, the Civic Railway, the Toronto and York Radial and the Toronto Suburban lines, is in the neighborhood of $42,000,000.

Three hundred and fifty new motor and two hundred and twenty-five trailer cars have been purchased. All of these embody the latest and most improved features of passenger-car design. They are built of steel bodies, are of the pay-as-you-pass type, and are quite a pleasing contrast to many of the cars that were previously used. Of the 830 cars taken over from the Toronto Railway Company, 413 have been discarded, 350 are now being remodelled. Seventy cars have been taken over from the Civic System of which thirteen have been remodelled. The commission has, in addition, purchased and put into service fifteen gasoline and four trackless trolley buses which are operating as feeders to the street-car lines on a free transfer to and from the Street Railway System. The contention made by the city during the arbitration proceedings in reference to price to be paid for the Toronto Street Railway was that the operation of many of the old cars, ignoring the question of service, would result in a financial loss even if they cost nothing, as against paying interest and depreciation on the cost of modern cars.

Twenty-eight and one-half miles of main-line track extensions have been built; fifty-two and one-half miles entirely reconstructed; thirty-seven miles repaired and welded, and eight miles of bus and trackless trolley put in operation. Whereas primarily the one fare area under the Toronto Railway Company contained a population of only 375,000, which necessitated the remaining 148,000 either walking long distances to reach their homes, or paying an additional fare, the Transportation Commission is now giving service to an area containing a population of about 575,000, and all on a one-fare basis.

IS THE REVENUE COVERING ALL PROPER CHARGES?

A statement of revenue and expenditures for the first sixteen months' operation is herewith given. This has been audited by the city auditor as being correct.

Expenditure

Cost of electric current, including operation	$1,499,606.29	
Way and structure	721,930.05	
Equipment	1,563,566.92	
Conducting transportation	6,222,597.32	
General and miscellaneous	960,914.30	
Net income available for fixed charges	4,754,867.34	
		$15,723,482.22

Income

Passenger earnings	$15,455,337.29	
Income from other sources	268,144.93	
		$15,723,482.22

The disposition of the Net Operating Income shown above is as follows:

Interest	$2,588,181.29	
Less interest on idle funds	532,505.99	
		$2,055,675.30
Redemption of debentures (capital debt)		425,107.97
Depreciation		1,012,827.00
Organization expenses		139,218.19
Reserved for unredeemed tickets		175,000.00
Reserve for workmen's compensation and public liability		400,000.00
Reserve for contingencies		437,569.89
Net income carried to Surplus Account		109,468.99
		$4,754,867.34

Rehabilitation and property costs have been charged against capital account.

The writer is reliably informed that the item for interest as above plus the item for re-payment of capital debt will together take care of all statutory obligations as provided in the by-laws under which the money is raised, as well as the interest on the award of the arbitrators.

The depreciation item is based on providing what is necessary to replace the assets at the end of their useful lifetime less the amount set aside for debenture debt. In other words, provision is made so that at the end of the useful lifetime of the assets, the debt on the same will be extinguished. Just how the depreciation item has been arrived at, what is the classification of the life of the various structures, what is allowed for repairs, etc., the writer is not in a position to state definitely, but from a general observation of figures, the provisions allowed would seem to satisfy the requirements of sound financing, where the object is to give service at cost.

The general financial report for the first sixteen months shows a very satisfactory condition and information, which we feel can be taken as correct, would indicate that, based on operations of the first ten months of 1923, an equally satisfactory condition will be reflected in the 1923 report.

IS THE ADMINISTRATION EFFICIENT?

We have not had the opportunity of closely examining unit costs or of considering the special circumstances controlling the various phases of work undertaken, and are, therefore, not in a position to make a definite statement as to efficiency in the detail of the administration. From an examination, however, of organization charts and from a general observation of work being done, the writer is of the opinion that but little adverse criticism can justly be made on this score. The engineering work is apparently of a high standard, and the general operation services seem to be carried on in an efficient manner. The policy of the commission seems to be to mass men and equipment so each job undertaken may be hustled to completion. The writer feels that in all cases this may not always produce the lowest possible unit costs, but it certainly does tend to minimize traffic and trade disturbance in any particular district.

IS THE PRESENT FARE A REASONABLE AND NECESSARY CHARGE?

From time to time opinions have been expressed that the commission should regulate their operations so that a reduced fare would be possible. However, when this opinion is balanced against the excellent service being given, the extent of area served and the necessity of covering all carrying and operation charges out of revenue, coupled with the apparent general efficiency of the organization, it would seem that no reduction in fares can be expected unless the commission curtails necessary service or extension work. The increasing economies in operation which are apparently being brought into effect each year will possibly to some extent be offset by necessary development in new areas.

The area now served by the commission with one fare is practically 35 square miles. The fare charged is 7 cents or 4 tickets for 25 cents, or 50 tickets for three dollars with universal free transfers. All city officials and executives, with the exception of policemen, must pay fares. Children's tickets are 3 cents or 10 for 25 cents (children not in arms and not over 51 inches in height).

An analysis of the component items

Maintenance of track work, including overhead and buildings	.290	cents	per	person	..	4.62%
Maintenance of equipment	.628	"	"	"	..	10.01%
Cost of power	.602	"	"	"	..	9.61%
Conducting transportation	2.499	"	"	"	..	39.85%
General and miscellaneous expenses	.386	"	"	"	..	6.15%
Interest and redemption capital and depreciation	1.403	"	"	"	..	22.38%
Reserves	.406	"	"	"	..	6.49%
Organization expenses	.056	"	"	"	..	.89%
Total	6.270	"	"	"	..	100.00%

of cost expressed as fractions of the average fare is shown in the table above.

The average fare paid per revenue passenger is 6.165 cents and the difference between this and the cost of 6.270 cents, as given above, represents the sundry revenue from sources other than passenger receipts.

HAS THE APPOINTMENT OF THE COMMISSION BY THE CITY COUNCIL ALLOWED POLITICS TO CREEP INTO THE ADMINISTRATION?

Apparently the commission has not been hampered to any great extent by political interference. The general satisfactory results to date answer this question and it is doubtful whether the smaller details are affected as much as they would be in a private corporation by private influences. Extension of lines, up to the present, has been determined by the commission, and it can fairly be said that wherever these extensions have been made, they seem to be quite generally made use of and of real service to the citizens concerned. A point here which reflects additional credit upon the commission's financial statement is that each extension brings more operating expense without a corresponding increase in revenue.

Whether or not political influence can permanently be kept from influencing the appointment of the commission is something for the future to determine, but this point will be a big controlling factor in the continued success of the present organization.

HAS THE CITIZEN BENEFITED BY THE ADOPTION OF MUNICIPAL CONTROL?

There is no doubt whatever that up to the present the citizen has benefited by the adoption of municipal ownership as carried on by the present management of the Toronto Transportation Commission. The aim of the commission has apparently been to provide transportation facilities so that all citizens are within reasonable walking distance of a car line or bus service.

Arguments may be brought up in an endeavor to prove that under previous private ownership the taxpayer had benefited by the annual payments made to the city by the Railway Company, but when the general development of the city, which has been so assisted by the policy of the Transportation Commission, is considered and the service conditions are compared there is less weight to these arguments.

Problems now confront the commission in providing transportation for the population immediately adjacent to the city. Undoubtedly the commission's policy in this regard will be that the car rider in these adjacent areas will bear the full cost of service rendered.

The business and equipment of the Toronto Transportation Commission constitutes approximately 25 per cent of the business and equipment of all the sixty-five electric railways in Canada.

The Toronto Transportation Commission carried 187,145,263 fares in 1922, as compared with 738,908,949 in all Canada; their car mileage was 26,891,077 out of a total of 113,403,912; their passenger revenue $11,428,543 out of $45,766,630.

The Toronto Transportation Commission employed 2,323 out of the country's 9,314 motormen and conductors and paid them $3,611,575, as compared with $13,215,328 on all lines. Its total employees numbered 4,140 out of Canada's 18,099, and these received $6,691,128 out of $24,988,118 paid by all the Canadian systems.

The writer feels confident in expressing the conviction that not only is the street railway system of Toronto a great system in size and service, but that to date, the executive and policy administration has been of a high order.

CENTRALIZED PURCHASING FOR THE FEDERAL GOVERNMENT

BY ARTHUR G. THOMAS
United States Bureau of Efficiency

The national government is moving towards a system of central purchase under the impetus of demonstrated economies accomplished by the General Supply Committee. :: :: :: :: :: ::

Were a complete description written of the various supply systems of the United States Government, and so broadcasted as to reach the attention of every fair-minded citizen, there would be accomplished a silencing of much unfair criticism. Such a description would show that in many instances departmental services of supply are functioning as efficiently as could be desired; that estimates of requirements are carefully weighed, receiving, warehousing and distribution well planned and capably conducted, and purchasing methods thoroughly businesslike. And this in spite of the fact that there must necessarily be imposed by law upon agencies of government restrictions from which private corporations are free.

THE GENERAL SUPPLY COMMITTEE

Such a complete description is, of course, impracticable, and no one would read it if it were written. We average American citizens care little to be shown in detail how right our government is; we care far more to be shown wherein it is wrong and what is being done by way of correction. So this article will be confined to the field occupied by a small but important entity in Uncle Sam's service of supply, namely the General Supply Committee, established by law as an interdepartmental contracting agency for articles common to two or more departments.

The General Supply Committee had its origin in the work of a subcommittee appointed by the so-called Keep Committee in 1906. This subcommittee found that as many kinds of articles were being bought to meet the same needs as there were departments, and that prices paid displayed the widest possible range. The result was that an interdepartmental agency was established to analyze the needs of the government, to standardize requirements for common supplies, and to contract jointly for these supplies. Standardization and a uniform price were the objects sought, and no thought was entertained of setting up an agency actually to buy for all departments and establishments the articles jointly contracted for, nor to serve interdepartmentally in other aspects of the supply problem. This agency, recruited by detail of necessary help from the several departments, served until 1910 when Congress established the General Supply Committee in the Treasury Department and gave it a small appropriation. The Act of June 17, 1910, creating the committee provides: "That hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, D. C., when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, instead of by the several departments and establishments, upon such days as he may designate." It establishes a committee, composed of officers from the several departments, and charges this committee with the duty of making, under the direction of the Secretary of the Treasury, "an annual schedule of required miscellaneous supplies," of standardizing such supplies, of eliminating all unnecessary grades and varieties, and of aiding the secretary in soliciting bids upon adequate specifications. The articles intended to be so contracted for are further defined in the act as "those in common use by or suitable to the ordinary needs of two or more such departments or establishments." Purchases from the common schedule of supplies are to be made by each department separately, but in each case, through not more than one office or bureau, although the head of each department may give permission to "detached bureaus having field or outlying service" to purchase directly from the contractors.

Obviously this agency is not a real interdepartmental purchasing agency. Almost yearly since 1913 the Secretary of the Treasury has recommended that it be made such. Bills have been drawn to accomplish this end, but have died peacefully in committee, or have been lost elsewhere on the wayside. It is desired to develop in this article a few reasons why proposals for change are worthy of a better fate. Prefatory to this it is essential to state how the established system is now working.

HOW PRESENT SYSTEM WORKS

It should be remembered that it is mandatory only upon departmental services in Washington to buy from contractors listed in the annual general schedule of supplies. Field services, even though located in Washington, are excluded, excepting as they may desire to participate. But in spite of this limitation there were purchased by the departments and establishments from contractors on the general schedule during the fiscal year 1922, supplies and services costing approximately $6,700,000. If any important percentage of this sum can be saved by changes in method the means for accomplishing this well deserve the consideration of Congress and of the Government's highest executive officers.

An illustration of how the present method works, and of possible savings under a change in method is furnished by the purchase of tires and tubes in definite quantities started during the past summer. During February, the General Supply Committee, following its usual practice, had called for bids on upwards of 15,000 different items, grouped in twenty classes, prices to hold good for the fiscal year 1924, beginning July 1, 1923. In the invitation for bids on Class 17, "Motor Trucks, Tires, Tubes, and Accessories," the committee listed almost every conceivable size and kind of tire and tube which it was thought might be bought by the departments during the ensuing fiscal year, and stated as a basis of calculation by bidders the quantities of each size and kind bought during the fiscal year 1922. Bids were received in March and tabulated for award. At about the same time three field services were buying tires and tubes in definite quantities for immediate delivery, thus eliminating all speculation on the part of bidders as to time, place, and amount involved. These three services were the Post Office Department, the Motor Transport Division of the Army, and the Marine Corps.

Comparison of prices received by the General Supply Committee under its indefinite running contract method of purchase with those received by the three field services revealed a most striking difference in price on identical tires and tubes. Thus, on one brand of tire of a certain size and kind the price bid to the General Supply Committee for purchase by departments as required was $20.06, while on the same tire the Marine Corps buying in definite quantities had a price of $11.98. Both bids were made under bureau of standards specifications and were for tires identical in every respect as to name, size, kind, method of manufacture, etc. Again on a certain large size of inner tube the price bid to the General Supply Committee was $6.20, while the Marine Corps had a price of $2.59 for the same make, size and kind of tube. Plainly the Government was losing a large sum on tires and tubes alone by buying them piecemeal on a running contract. This fact was brought to the attention of Colonel Smither, chief co-ordinator in the bureau of the budget, and he promptly decided to issue a bulletin calling upon the departments to submit to the General Supply Committee definite figures covering requirements of tires and tubes for the three months commencing July 1, 1923. The General Supply Committee accordingly made no awards under its high bids received for running contracts, but instead consolidated the definite requirements, and advertised them as such for direct delivery to Washington and to offices in the field. The resulting prices received on upwards of 6,000 tires and a similar number of tubes revealed savings on certain brands of tires of as high as 45 per cent. Conservatively estimated, the saving on all of this purchase of tires and tubes reached approximately $29,000, or 27 per cent, as against prices which would have been paid had awards been made by the General Supply Committee on bids received for running contracts.

RUNNING CONTRACT METHOD EXPENSIVE

Here was a demonstration beyond controversy that the Government was losing thousands of dollars, perhaps millions, by persisting in using an antiquated and cumbersome method of buying. If a tire manufacturer, as was shown to be true, was willing to sell a tire for $48.50, which he had asked $84 for under the running contract plan, was it not possible to accomplish the same good results as to other classes of supplies included in the general schedule? That this is true was soon proven. The General Supply Committee requested the departments to send in definite estimates on certain very important kinds of paper on which running contracts had not been procurable for a longer period than from July 1 to October 1, 1923. These requirements were consolidated and bought outright with delivery concentrated in Washington. The resulting percentage of saving compared favorably in most cases with that in the definite quantity purchase of tires. Bureaus in Washington found they could save large amounts by shipping paper thus bought to field offices instead of authorizing local small quantity purchases.

So far so good. The *Quod Erat Demonstrandum* has been applied and the running contract method of purchase has been shown to be a poor one, at least for articles in common use and definitely determinable as to kind and quantity. Thousands of items which may be classed as office supplies or as maintenance supplies fall within this category. Take, for example, the first item on the general schedule of supplies, "rubber bands," of which the different offices purchased during the fiscal year 1922, upwards of $30,000 worth from the contractor on the schedule. Two hundred and sixty-five orders were issued to this contractor during the course of the year for quantities ranging from a quarter of a pound to 2,000 pounds. Consider the vast amount of paper work involved in preparation of orders, in accounting, and in auditing. Consider also the trouble involved to the contractor, and that for this trouble as well as for its own work the Government must pay. Now it is very clear that on all articles commonly used and carried in stock by the Government definite estimates of requirements can be figured, these estimates consolidated and full advantage taken by the Government, working as a unit, of its tremendous buying power.

METHODS OF STOREKEEPING IMPORTANT

But the service of supply must obviously be considered in all its aspects and steps taken by way of betterment should be co-ordinated as to each factor. Improvements in purchasing methods from which better prices are to be expected are dependent largely upon improvement in methods of storekeeping, and good storekeeping in turn is dependent, among other things, upon correct analysis of requirements. The whole problem is interlocked as to each element. It must be remembered that in the case of the definite quantity purchases of tires and tubes and of paper, the bids on consolidated quantities are centrally obtained and awards made through the General Supply Committee, but that each bureau makes its own inspection and pays its own bills. The process is still cumbersome, but unavoidably so as the law now stands. Furthermore, each department and establishment in Washington has its own extensive stores of office supplies and to a large extent also of maintenance stores, that is, articles used in maintaining public buildings and grounds. In the same building, a temporary war-time structure of flimsy construction, are located two large stores, those of the Treasury Department and of the Bureau of Animal Industry of the Department of Agriculture, both of which maintain stocks of articles in large measure identical. Analysis is being made by the Bureau of Efficiency of the space, personnel and value of stock involved in the city of Washington alone in purchasing, storing, and distributing articles in common use. The resulting data will show that over 500,000 square feet of storage space is now used by the various departments, scattered all over Washington, some of it very valuable for office use, and on the other hand much of it positively hazardous to valuable property by reason of fire risk, dampness, etc. Also, records of stock on hand and of receipts and distribution are in many cases incomplete.

A REAL CENTRAL PURCHASING AGENT NEEDED

Considering the supply problem as a whole, in so far as it relates to articles in common use by all or several departments and establishments in Washington, or for distribution from Washington to field services, there can be but one logical solution if a sincere, thoroughgoing effort is to be made to put the Government on a business basis in this regard. The General Supply Committee should be supplanted by or transformed into a real supply agency with authority to purchase outright and in bulk articles commonly used, to receive, inspect and store such articles, and to distribute them or hold them subject to call. Departmental storage of such articles in large quantities should be supplanted by interdepartmental storage, and bureaus confined to periodic requisitions of quantities sufficient to meet only short-time needs. By such a course storage space can be cut in half and made a model as to facilities and protection against loss, deterioration, surplusage and antiquation. Personnel engaged upon supply matters can be greatly reduced. Stock on hand can be reduced to a minimum, as interdepartmental consolidated stocks will be sufficient to obviate the need of each department's keeping a maximum against emergencies.

Now certain exceptions will occur to anyone familiar with the facts, as to the broad and complete application of the above plan. Conceding the advantage of real centralization of purchase, is it essential that the receiving, storing and distributing functions of the central agency should embrace all classes of items in common use by all or several departments and establishments? Clearly it is not, provided stores of each large class are so consolidated interdepartmentally as to reduce storage space, personnel and stock on hand to a minimum. The Superintendent of the State, War and Navy Department Buildings, for example, now maintains 40 buildings and in addition furnishes maintenance supplies to the Coast and Geodetic Survey, and to the Bureau of Standards. His stores are models in orderliness, and in amount of stock on hand; his records are up to the minute and an accurate balance and statement of future needs may be taken at noon each day on about 7,000 items. Should these stores be taken away from him and his subordinates, many of them engineers skilled in maintaining public buildings and grounds? Such a course is not necessary to secure the best results. But these same stores, under the law as it stands, must in large measure be bought from contractors on the general schedule of supplies at prices placed at relatively high figures because of the long periods and scattered deliveries involved. These stores illustrate what may be done by way of interdepartmental storage and distribution and at the same time illustrate the fallacy of encumbering purchase with the price and delivery conditions of a schedule of running contracts from which all services may draw, when and as they please.

Under the present system of scattered purchases against general running contracts, inspection of deliveries has reached a very low ebb.

Standardization and elimination of unnecessary grades and varieties of articles have also failed to a large extent of being accomplished. It is a fact that in this regard the General

Supply Committee has failed to do its duty as directed by law. The answer to this is, in part, better departmental representation, the designation of men able and willing to take the necessary steps, in spite of pressure from department officials. But a more complete solution would be the establishment of a real buying agency for common supplies, a bureau of supply, with a head endowed by law with essential authority, and supported by expert buyers of each class of supplies. To such an organization the departmental representatives would, of course, be advisory.

No prophecies can safely be made as to how long it will be before the federal government in Washington will have set itself to rights in its supply matters. Congress must give needed sanction to certain changes before every desirable object can be accomplished. But prior to this much can be accomplished by executive order under existing law. Let the highest officials of all departments and establishments be brought to a realization of the advantage of all "heaving together" on the matters pertaining to simple, common supplies, and of the positive wastefulness of not doing so, and the goal will be half attained. This is the object of the thorough analysis now in process.

Two years ago very excellent bills in identical terms were introduced by Congressman Wood of Indiana and Senator McCormick of Illinois, designed to accomplish a real centralization of purchase in the District of Columbia, yet safeguarded in every essential respect against intrusion upon departmental responsibility. These bills had the advantage, before their introduction, of criticism by the leading supply officers of the Government. Congress was probably too busy at that time with the great problems inherited from the war to assign to these bills the attention they deserved. Moreover, the Joint Committee on Reorganization adopted the plan of creating an interdepartmental bureau of supply as a part of its general scheme and requested the postponement of hearings on these bills. Congressman Wood has just reintroduced his bill. So now the creation of a bureau of supply is before Congress both as an element of the general reorganization scheme and as an independent measure. May fortune favor its course.

PARTY POLITICS IN ENGLISH LOCAL GOVERNMENT[1]

II. PARTICIPATION OF PARTIES AND THE CHANCES OF INDEPENDENTS

BY JOHN J. CLARKE, M.A., F.S.S.

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Party politics in municipal affairs in England is nothing new although it has been greatly stimulated by the Labor party. Party elections receive encouragement from all party organizers, for they enable local party machines to be kept alive. Municipal administration, however, is seldom influenced by party spirit, and party control is not too emphatic. :: :: :: :: :: :: :: ::

There is nothing in Great Britain approaching the "ticket" of the United States, neither has any attempt yet been made to establish a block system as in France. In fact it may be said that the national party organizers interfere but little in local government elections, being quite content to estimate the relative strength of the parties from the result of the local government elections. On the other hand, the selection of candidates for the British House of Commons enters very considerably into the duties of the national party organizers. Especially in the event of a by-election due to the death of a sitting member or of his acceptance of an office of profit under the Crown (constitutionally a member of the House of Commons cannot resign, but by accepting office he vacates his seat) the national party organizers will often impose a candidate upon a constituency, sometimes with adverse results at the poll.

LOCAL AND NATIONAL ELECTIONS KEPT SEPARATE

Generally, the selection of candidates for local government elections rests entirely with the local areas. But in such selections the local party organizers—who have acted in a like capacity in the elections to the House of Commons—are intimately concerned with the selection of these candidates and are often consulted by the respective wards. The ward organizers are usually kept together by political clubs which possess the same officers for national as well as local purposes.

It is considered, however, very desirable that the electors should not be confused with regard to the conflicting claims of national and local elections. This is clearly illustrated in the case of the 1922 general election to the British House of Commons. The triennial elections for the metropolitan borough councils and the annual elections for the provincial city and town councils fell due on November 1, 1922. This was the statutory date in accordance with the London Government Act of 1899 and the Municipal Corporations Act of 1882.

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[1] This is the concluding installment of the article by Professor Clarke. The first part appeared in our January issue.

Notwithstanding the resignation of the premier—Mr. Lloyd George—on October 19, 1922, and the selection of Mr. Bonar Law as his successor, the general election for the return of representatives to the House of Commons was postponed until November 15. This was done quite naturally and with the entire approval of all the political parties in order to prevent any difficulties arising from a confusion of thought on the part of the electors the majority of whom would be called upon to cast their votes both for the House of Commons on November 15 and for the metropolitan and provincial councils a fortnight earlier.

CANDIDATES SELECTED BY PARTIES

It might be suggested that party politics in local government affairs is a new phase of public affairs in England, but the evidence available clearly contradicts this view. In the larger cities such as Birmingham, Manchester and Liverpool, it is evident that the large majority of candidates is, and has been for many years past, selected by the political parties. This applies also to the county towns and principal market towns of the provinces as well as the industrial centers. In certain towns it is asserted that the system has always existed. Certainly it has operated in Liverpool for more than seventy years.

This point of view is clearly illustrated by the following extract from a recent issue of the *Liverpool Daily Post*, which refers to the county borough of Wallasey.

> In the contest in South Seacombe Ward on Saturday for the seat on Wallasey Council rendered vacant by the death of Mr. P. J. Tunnicliff, the Conservatives made a determined effort to wrest the seat from the Liberals. There has been by general agreement a return to party warfare in view of the fact that the continued dominance of the Conservatives or the accession to power of the Liberals will depend upon the winning or losing of seats prior to the aldermanic elections on November 9, when seven occupants of the front bench retire, these comprising three Conservatives, three National Liberals, and one Liberal.
>
> The candidates at the present election were Messrs. George W. Russell (L), wholesale newsagent, and Charles M. Coffee (C), retired schoolmaster. The result of the polling was declared by Alderman Holdsworth, the returning officer, as follows:
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> | | |
> |---|---|
> | Russell | 729 |
> | Coffee | 675 |
> | Liberal majority | 54 |
>
> There are 2,498 electors in the ward, so that the poll of 1,404 represented a percentage of 56.
>
> The council as now constituted consists of 25 Conservatives, supported by 3 National-Liberal aldermen, 20 Liberals, 4 Independents, and 4 Labor representatives. If no seats are won or lost on November 1, the voting strength for the election of seven aldermen will be 18 Conservatives, 16 Liberals, 4 Independents, and 4 Labor, and the votes of the last two sections would obviously control the situation. Both Liberals and Conservatives will, therefore, make every effort to win seats.

SOUND GROUNDS FOR PARTY POLITICS

There is no lack of interest in the elections for municipal councils, and there are many reasons for the encouragement of party politics in municipal affairs.

It is claimed that it is the only effective method of maintaining a general interest in public affairs.

It constitutes a means of education and encouragement to the younger voter who is thus trained in the machinery which applies to national elections. If, on the whole, party politics is the best for imperial affairs, then it is declared to be equally good for municipal affairs.

It is believed that the introduction of party government is good also for the local affairs. For example, it is claimed that objects of social reform such as sanitation, housing, etc., are best developed as the result of action by a party.

In the interest of municipal purity, also, the party system is believed to be fairly sound. Even if the policy of the party be bad from a public administration point of view, it is better in practice than one that is vacillating or uncertain.

In considering the constitution of the London County Council and also the metropolitan borough councils it is important to observe that the "Municipal Reform" party is but another name for the Conservative party, who at one time were, for the purpose of these elections, styled "Moderates." Similarly, the name "Progressives" is but another name for Liberals.

In the election of the London County Council in March, 1922, the Progressive party were in open alliance with the Municipal Reform party against the Labor party in four divisions, Hackney Central (where there was no contest), Lambeth North, Limehouse and Southwark North; at the same time in many three-cornered contests the Progressive and Municipal Reform parties formed two out of the three mutually opposing parties, and in only one division, Lewisham West, did the Progressives and Municipal Reformers oppose each other in a straight fight. The following are the figures in the election of March, 1922:

Party	Votes	Seats	Seats in proportion to votes
Municipal Reform	557,206	65	52
Labor	380,692	16	35
Progressive	186,203	25	18
Independent	9,316	—	1
	1,133,417	106	106

So clearly marked is the party spirit in the London County Council that the proceedings are conducted as nearly as possible upon House of Commons lines. The visitor to the new County Hall at Westminster will see upon several of the doors the term "Whips Room," showing that the party machine has official recognition.

LABOR PARTY ACTIVE IN MUNICIPAL POLITICS

Until a comparatively recent date, the Labor party has not engaged to any great extent in municipal politics. It is now their intention to advocate their principles and apply them where possible in local government. The bid of labor for municipal power led in 1919 to a great increase in three-cornered contests, from which that party profited very considerably. In 1922 the older parties, in order to avoid the loss of seats to a minority, for the most part submerged their differences in a united opposition to labor. Coalitions entered into before an election in order to save a party from extinction usually prove to be a source of dissatisfaction and embarrassment.

The result has been that the older parties—Conservatives and Liberals—are developing the party spirit in municipal affairs in an endeavor to prevent the gravitation to labor of the younger men.

Far from getting away from this spirit the Labor party is developing and encouraging it in every possible way.

One further result of the advent of the Labor party into local government has been the introduction of party politics into elections for Boards of Guardians. These bodies were established by the Poor Law Amendment Act of 1834 for the purpose of taking over the administration of the Poor Laws in England and Wales.

Until recently the elections were decided more upon the religious claims of the candidates than upon any other factor, due mainly to the personal character of the functions which the Boards of Guardians are called upon to perform.

The growth of the Labor party has tended to develop these elections upon party lines and for the other parties to combine against labor. Such a feature should result in an improvement in the caliber of the candidates which is much to be desired, as they have been, for many years, of a rather inferior character.

INDEPENDENTS HAVE LITTLE CHANCE

At the annual local government elections there are usually one or two candidates brought forward under special circumstances, who are correctly styled as "Independent," but they furnish the exceptions, and have little or no chance of being returned. As a rule they possess no organization unless they are leaders of a sectarian body, which has happened in certain towns where religious differences exist. This is unfortunate, as the present system of election places councillors of great experience and eminent public services at the mercy of a small local majority, and leads to the loss to local government of many who have made municipal affairs their study and lifework. Further, the uncertain tenure of a seat deters many good candidates from coming forward. They are repelled by the knowledge that others have made the necessary sacrifices in giving themselves to public work, only to find at the end of a three-year period that a passing wave of opinion has cast them adrift.

How slender are the chances of the Independent candidates is further illustrated by the return of the London borough council elections in November, 1922. Of the 3,018,490 votes cast the Independents polled only 55,835. Out of the total of 1,362 seats the Independents won only twelve. On the other hand, the Municipal Reformers polled 1,297,935 votes, Labor 1,034,112, the Ratepayers' Association 507,392, and the Progressives 119,391.

CO-OPTATION

To meet the difficulty of the failure of the Independent candidates and of others who possess expert knowledge of various phases of local government work, a system of co-optation has been introduced. Originating with the Education Act of 1902, it has been extended into all the acts of Parliament subsequently passed which have added new functions to those of the local government authorities. The principle is justified on the ground that it introduces the expert element which would otherwise be unrepresented.

On the other hand, it is claimed that the method of co-optation encourages extravagance, and that the expert element should sit in an advisory capacity only. In such an event the question arises whether the expert would consider it worth while to attend.

Instances are given, however, of the encouragement to extravagance which this system produces. For example, maternity and child welfare centers are often supported from grants provided by the votes of co-opted members of such committees, the experts taking advantage of their co-opted membership to secure the grant for the organization in which they are specially interested.

The policy which the respective parties is to adopt is decided at a party, or "caucus," meeting which is usually held to discuss the agenda before the meeting of the Council. The caucus possesses the advantage of enabling a man to express himself freely and to obtain information as to what is going on, which obviates the necessity of raising the question at a Council meeting. It is usual for a two-thirds majority of the party voting upon a question to secure for such subject being declared a "party" question. In such an event the minority members are expected to honor the decision by abstaining from speaking or voting against the decision.

The party caucus is essential, or there might be as many views as members. It tends to check irresponsibility, for it secures, more or less, responsible decisions while it makes the leaders respond also to the wishes of the rank and file.

The control by the party is not too emphatic. Respect is shown for pledges to constituents and questions of conscience. Criticism is valuable even within a party, and unless this were allowed the government would become little less than a farce and the Council meetings would become ineffective debating societies.

ADMINISTRATION SELDOM INFLUENCED BY PARTY SPIRIT

While the party spirit thus enters into the elections, the administration is but seldom influenced by it. There are, in fact, very few matters which demand a strict adherence to party, *e.g.* the election of a mayor or alderman.

Usually the parties divide their forces and members specialize in different subjects, *e.g.* education, electrical supply, parks and open spaces. Thus when a member wishes for information upon a particular subject he approaches a member of his own party who has given that subject his attention. At the Council meeting they usually follow the member of their party who is on the committee concerned.

On many questions there is only one possible "side," so that a strict adherence to party government would result in the creation of a body whose duty it is to oppose all measures emanating from the party in office. This would create an entirely false atmosphere and obscure fact that unless both sides are wrong (which not infrequently happens) one side must be right.

Although the foregoing remarks apply specificially to the elections for municipal or borough councils, party contests arise also in county council, urban district council, rural district council and parish council elections, especially where the Labor party is strong.

On the other hand, the party system is not in evidence in many of the county councils—except where the Labor party predominates—due to the retention of the old traditions to which reference was made in the earlier portion of this article.

When considering the application of party politics to the smaller local authorities such as the urban district councils, rural district councils and parish councils, many varying circumstances affect the position. The character of the area is a determining factor. In many suburban areas there are no parties, the personal factor such as individual capacity often determining the choice of candidates. In certain areas a Ratepayers' Association will develop the party system, encouraged and fostered by the Labor party influence. Until such arises the caucus or party meeting is unknown and questions before the Council are determined solely upon their merit.

SCOTLAND AND IRELAND

In Scotland local government elections are not conducted as a rule on party lines, and they have never been so conducted. By this is meant that the old divisions between Conservatives and Liberals have, except in the larger cities, played no part in municipal elections. With the Labor party coming into position the matter has been changed, and in local elections now the Labor party run candidates of their own. In some of the larger cities in the past politics have had something to do with elections, but this does not apply in the counties nor in the burghs other than the four large cities in Scotland.

In Ireland local government elections have been much colored in recent years by the effect of the national problems which have loomed largely in the eyes of the whole civilized world. The Local Government (Ireland) Act of 1919, which provided for the election to local government authorities by the system of the single transferable vote, demonstrated the value of the system by the return of candidates who supported a minority opinion.

IS PARTY SYSTEM TO BE DEPLORED?

Nevertheless, there are thoughtful and influential men who deplore the development of the party system and who would wish to see evolved a local government policy applicable to areas and to particular functions. To be prepared to be subservient to a party on any matter involves a weakening of the expressions of convictions. In local government affairs this is neither desirable nor necessary.

The question of a further development of party government involves the consideration of the payment of chairmen of the committees of the larger local authorities. What is required is continuity of chairman, and if payment would help to secure this it would be an advantage. This would lead to the development of commissioners on the lines operating in certain cities in the United States of America.

On the other hand, there are occasions—very few it is true—when government by party will result in opposition to proposals upon which all right-minded men are agreed, and which, if left free, they would support.

It is further maintained that the national issues and the local or parochial so seldom come into the same category that it is questioned whether it is really advantageous to keep the same political parties for national and municipal contests. But the political party organizers think otherwise.

Those who believe this to be true claim that the establishment of proportional representation upon the principle of the single transferable vote would be quite a good thing in the interests of local government efficiency, and would prove a barrier to hasty legislation. The introduction of the system is not, however, welcomed by any one party. In certain directions it is believed that it will not allow the elected to govern, and by reason of the small majorities which would result it is thought that the minority will be enabled to sway the majority. The Labor party are divided in opinion on this question believing, on the whole, that they will best attain their ends upon the same lines as were followed by the older parties.

To conclude, therefore, it may be said that the trend in the direction of party politics in municipal affairs in England is not new, but has in many towns been a feature of local government for many years. It has, however, developed as a result of the advent of the Labor party. This method of election receives encouragement from all the central party organizers as well as locally, for it enables the local party machine to be kept alive. It is acceptable to the vast majority of the people.

Non-party or Independent candidates obtain but little success at the polls and rarely secure seats upon the larger local councils. The system of party government enables men and women to devote themselves to the government of the community. Those who, while experts upon certain subjects, are not prepared to face the political platform have opportunities for service under the system of co-optation which has been an important feature of the past two decades of local government development.

While the party system has a tendency to put control into the hands of a small autocracy composed of the leaders on both sides, who with few exceptions are chosen from a comparatively small circle, the general opinion is that the spirit of good citizenship usually prevails over party interests and that, in the conduct of business, and as a general rule, there are none for the party but all are for the uplifting of the community.

THE NEW CONSTITUTION PROPOSED FOR MISSOURI

BY W. W. HOLLINGSWORTH
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After many efforts a Constitutional Convention was held in Missouri. The people will vote on its proposals on February 26. :: :: ::

SINCE the adoption of the present Missouri constitution in 1875, there have been proposed approximately one hundred amendments, about twenty of which have been adopted. For more than a decade a movement for a convention to revise the constitution has been under way, but there was no well-organized effort before 1918. Each successive session of the legislature was prevailed upon to submit the question to the voters of the state, but without avail. Finally the New Constitution Association of Missouri took form and began to function. Since the legislature refused to submit the matter to the voters, it was decided that the next best step was to change, by means of the initiative, the method of calling constitutional conventions. Under the auspices of the above-named organization a committee of prominent lawyers drew up an amendment to the constitution which was submitted to the voters on November 2, 1920, and carried by a vote of 394,437 to 317,815. This amendment provided in substance:

First. For a change of method for choosing delegates to constitutional conventions, so that there would be chosen from each of the thirty-four senatorial districts, two elected delegates representing the two major parties, and fifteen non-partisan delegates from the state at large.

Second. For a special election August 2, 1921, so that the voters might indicate whether or not a convention should be called to revise or amend the present constitution.

Whether a constitutional convention should be called was the principal issue to be decided in the election held August 2, 1921. About one-sixth of those eligible participated, and the result stood 175,353 for and 127,130 against calling the convention. Governor Hyde thereupon called a special election which was held January 31, 1922, for the purpose of choosing delegates to the constitutional convention.

As indicated above, the plan called for a bipartisan selection of district delegates. The Democratic and Republican parties, each acting through its committees, elected a candidate from each of the thirty-four senatorial districts, and the two state central committees at a series of meetings selected a fusion ticket for the fifteen delegates at large. This ticket was submitted to the voters and was overwhelmingly approved.

The convention met May 15, 1922, continued in session until December 15 and then adjourned so that the legislature might meet. The convention re-assembled April 16 and finished its work November 6, 1923. The chief of the proposed changes are here recorded.

THE LEGISLATURE

No radical changes were made in the legislature. The pay of members was increased and legislative expenses limited.

THE JUDICIARY

The amendment dealing with the judiciary would leave the state supreme court with seven members as at present, but would have one of them elected as chief justice for his full term, rather than permit the seven judges to rotate that honor among themselves as at present.

The three courts of appeals, as now constituted, would remain undisturbed, except the one at St. Louis would consist of six judges in two divisions, instead of three judges and one division, as at present.

A judicial council has been created composed of chief justice of the supreme court, the presiding judge of each division thereof, the presiding judges of Kansas City and Springfield courts of appeals and a judge of the St. Louis court of appeals, selected by the judges thereof, and three circuit court judges who shall be chosen by the above-named persons. It will be the duty of this council to establish and simplify the rules of practice and procedure, to transfer causes from one appellate court to another, to assign judges from one jurisdiction to a similar jurisdiction when the efficient transaction of business of such court so requires; also, the council may, when the business of the court requires, call to the aid of the supreme court or any of the courts of appeals, one or more judges of the circuit courts for such time as may be necessary—may even create an extra division of said courts.

Candidates for judge of supreme court, courts of appeals and circuit courts are to be nominated at a time different from that for the nomination of candidates for other offices.

The term of office for judges of the courts of appeals is to be reduced from twelve to eight years. The terms of judicial officers under the new provision will be as follows: supreme court, ten years; courts of appeals, eight years; and circuit courts, six years.

INITIATIVE AND REFERENDUM

The present constitution requires 8 per cent of the legal voters, each of two-thirds congressional districts of the state, to initiate a law or amendment to the constitution. The new provision for the initiation of a law is not changed, but the number of signers required for submitting a constitutional amendment has been raised to 12 per cent. The percentage of voters to invoke the referendum has been raised from 5 to 10 per cent. The ballot submitting an act of the legislature to a referendum is required under the new constitution to read "Shall the Act of the General Assembly be rejected?" instead of "Shall the Act of the General Assembly be approved?" thus requiring an affirmative vote to reject.

The legislature may repeal or modify an act adopted by the initiative and the people may reject or amend a measure passed by the legislature.

EXECUTIVE DEPARTMENTS

At present, the functions of the executive branch of the government are performed by some seventy or more departments, commissions, bureaus, boards and other agencies created at different times and under different circumstances which has resulted in duplication and overlapping of services, inefficiency and increased cost of operation. Provision is now made that by January 1, 1926, all the state activities must be consolidated under not more than twelve administrative departments, exclusive of the governor and lieutenant-governor. Five of these divisions are named in the constitution—departments of state, law, audit and accounts, treasury, education. The heads of the first four departments are to be elective, but the head of the department of education is to be selected by a board of education elected by the people. The legislature is authorized to create not more than seven other departments and provide for their appointment or election and to assign to them, as well as to the other five aforenamed departments, their appropriate powers and functions.

ELECTIONS

Under the present constitution, ballot boxes can be opened only in case of a contested election. The new constitution authorizes the opening of ballot boxes and comparison of ballots with the poll lists in the investigation of fraud in both primary and regular elections. Also, the ballots may be used in the investigation and prosecution of criminal cases. This change was made necessary on account of court decisions holding that the opening of the ballot boxes and the comparing of the ballots with the poll lists destroyed secret voting, since it disclosed how the individual voted.

NOMINATING METHODS

Political parties have been authorized to determine for themselves whether they will nominate their candidates by direct primary or by the convention. Both methods of nominating candidates are to be regulated by law.

SUFFRAGE

The present constitution permits aliens to vote upon the mere declaration of intention to become citizens of the United States. The new provision requires full naturalization before being allowed to vote.

The legislature is required to pass laws providing for registration of voters in counties having more than one hundred thousand and in cities having more than ten thousand.

EDUCATION

At present the department of education is under the control of an ex-officio board composed of the governor, secretary of state, attorney-general and superintendent of public schools. The superintendent is the administrative head of the department and is elected by the people. The new constitution creates a board of education of six members whose election, term of office and per diem compensation shall be determined by law. This board is charged with the supervision of public instruction and the selection of the state commissioner of education who is to have administrative direction of the department. The commissioner is responsible solely to the board of education under whose authority he serves.

A very important amendment affecting the schools of Missouri is the one which will do away with the restrictions on rural districts in raising sufficient funds to operate effectively their schools. Rural school districts at present can levy only forty cents on $100 valuation; sixty-five cents, if a majority of the voters of the district approve; and an additional sum for buildings and repairs if two-thirds agree to it. City districts are in a much better position in this respect, since they can levy sixty cents without a vote, $1 with the approval of the majority and a building levy may be made with the consent of two-thirds of the voters. The new amendment enables country and city schools to increase their tax rate from forty cents in the country and seventy-five cents in cities and towns maintaining a four-year high school course to $1 on $100 valuation on a majority vote, $1.20 on a two-thirds vote and $1.50 on three-fourths vote. Excess levies now can be made only when authorized by annual elections. Under this new provision a levy would stand for a number of years up to four as specified in the call for election, thus saving the districts the expense of repeated elections. The boards are not required to levy the full voted rates in succeeding years unless needed.

The general assembly may provide for, but cannot compel, free instruction by school districts of persons other than those between six and twenty years of age.

THE BUDGET

Under the present constitution a budget system has been impossible because entrusting the preparation of the budget to the governor has been construed to constitute an unconstitutional limitation on the power of the legislature to appropriate money for public purposes. Under the new constitution an executive budget is provided for vesting in the governor full responsibility for preparing and submitting to the legislature within fifteen days after it assembles in biennial session, a consolidated budget containing all expenditures which in his opinion should be undertaken and a proposed method for obtaining the required revenues. Such a budget is to be prepared after having full and comprehensive reports from all officers and departments expending or supervising the expenditure of state money. Public hearings are provided for on these reports. Estimates submitted by the legislative and judicial departments cannot be revised by the governor, but he may make such recommendations as he thinks proper with reference to them.

The new constitution provides that the budget "shall contain all the estimates so revised or certified and shall be accompanied by a bill or bills for all proposed appropriations and re-appropriations, clearly itemized; it shall show the estimated revenues for the ensuing fiscal biennial period and the estimated surplus or deficit of revenues at the end of the current fiscal period, together with the measures of taxation, if any, or for borrowings, if any, which the governor may propose for the increase or decrease of revenues; it shall be accompanied by a statement of the current assets, liabilities, reserves and surplus or deficit of the state; statements of the debts and funds of the state; an estimate of its financial condition as of the beginning and end of the biennial period; such other information as may be required by law and a statement of revenues and expenditures for the biennial period next preceding, in a form suitable for comparison. The governor may, before final action thereon by the legislature, amend or supplement the budget."

The legislature is permitted to reduce but not increase the items in the budget. All additional appropriations must be in the form of special bills carrying provisions for the necessary revenue and subject to the item veto of the governor.

With reference to the governor and executive heads appearing in the legislature to defend the budget, it is provided that, "It shall be the right of the governor and the heads of executive departments, and it shall be the duty of the heads of departments, when requested, to appear in either House of the General Assembly and be heard and to answer inquiries relating to the budget." The legislature is not permitted to pass any other appropriation bills until the governor's budget has been finally acted upon by both houses.

The budget when passed by the legislature with or without amendments shall become a law immediately without approval by the governor except that appropriations for the legislature and judiciary shall be subject to his approval.

TAXATION AND REVENUE

Among the outstanding changes in the new constitution affecting taxation and revenue may be mentioned the one which authorizes cities to borrow money on the security of public utilities for the purpose of constructing, acquiring, altering, enlarging, extending or improving public utilities, which indebtedness shall be payable exclusively from the income and revenues or proceeds of sale of such public utilities. Cities are also enabled by another provision with a two-thirds vote to create and maintain a permanent improvement revolving fund for the purpose of financing directly all special tax bills for local improvements such as construction of streets, alleys, and so on.

Another important change is the provision classifying all property for purposes of taxation. Inasmuch as the state supreme court has recently declared a mortgage recording tax and a secured debt tax unconstitutional, this amendment is very much in point.

MUNICIPALITIES

Municipalities are to be classified and the legislature is especially prohibited from making further classifications. The classifications provided run as follows:

First—All cities of 70,000 or more population and would include St. Louis, Kansas City, and St. Joseph.

Second—All cities of 25,000 to 70,000 population and would include Springfield and Joplin.

Third—All cities ranging from 3,000 to 25,000 population and would at present include fifty-two cities.

Fourth—All cities ranging from 500 to 3,000.

Villages—Communities of less than 500.

Cities of the first class would be allowed to consolidate their governments in whole or in part with those of the counties in which they are located.

Under the present constitution the legislature and governor conduct the police departments of St. Louis, Kansas City and St. Joseph (the cities of the first class), and fix the compensation and qualification of policemen. Under the new provision these cities are authorized to establish and maintain their own police departments subject to the right of the governor, at his discretion, to remove any police commissioner or commissioners, but the governor shall have no authority to fill any vacancy thus incurred.

Cities of the first three classes are

authorized to frame, adopt and amend their charters. How sweeping are the home rule provisions may be seen from the following:

> Except as otherwise provided in this constitution every city which has or shall adopt a special charter is hereby declared to possess for all municipal purposes full and complete power of self-government and corporate action. No enumeration of powers in this constitution or in any law shall be deemed to limit or restrict the general grant of authority conferred; but this grant of authority shall not be deemed to limit or restrict control by laws of the state on matters of general state concern or operation, as distinguished from those of local concern and municipal government, and provided that as to such matters as are of both local and state concern city charters and ordinances shall not be in conflict with but shall be subordinate to the general laws of the state upon the same subject.

Thus it is observed that cities are to be given complete control over their own affairs purely local in character, acts of the legislature to the contrary notwithstanding. They would be authorized, among other things,

To determine what agencies shall be necessary to conduct their affairs, the distribution of powers among such agencies, the mode of selection, duties, qualifications, tenure, method of removal and compensation of all officers and employes;

To levy, assess and collect taxes and to borrow money, within the limits prescribed by the constitution; and to levy and collect special assessments on the basis of local benefits;

To acquire by gift, condemnation or otherwise own, establish, maintain and police, either within or without its corporate limits, parks, boulevards, which have cemeteries, hospitals and all works which involve the public health or safety;

To provide for one or more houses of legislation to be elected by general ticket or by the voters of the several wards or districts of the city or village;

By and with the consent of a majority of the qualified voters voting at an election submitting the proposition, to acquire by condemnation or otherwise, construct, own, operate, sell or pledge public utilities for wholly or in part supplying water, light, heat, gas and power to the municipality and its inhabitants and, to the extent and in the manner prescribed by law, for supplying water, light, heat, gas, and power beyond its corporate limits;

To acquire by comdemnation or otherwise, construct, own, operate, sell or pledge subways, lines and equipment for whole or in part supplying transportation to the municipality and its inhabitants and to the extent and in the manner prescribed by law for supplying transportation beyond its corporate limits;

To rent, lease or let and authorize the operation of any utility subway lines or equipment owned by it to private individuals or corporations or other municipal corporations.

The right of cities to create zones for the regulation and use of land and structures, now under question in the state supreme court, is written into the new constitution as well as a provision authorizing excess condemnation of land for public improvements.

The new constitution provides specifically that the state retains the right to control all elections, public utilities, to demand financial reports, to limit city indebtedness, to regulate education and all other matters of a general state concern and operation. There was an attempt to establish home rule for Missouri cities in the present constitution adopted in 1875, but that was defeated by a clause requiring all home rule provisions to be subject to the general laws of the state, thus enabling the legislature at will, for forty-eight years to enact legislation for each of the cities.

St. Louis, by the provisions of the present constitution, was separated from St. Louis county. For some purposes it is a county, for others it is a city. It cannot expand without crossing the boundary line into St. Louis county, and this would require constitutional amendment. It is proposed to relieve St. Louis of this embarrasing situation by providing for it three avenues of expansion:

First—It is provided that counties may by a majority vote of each county concerned, be consolidated into one, and that St. Louis for this purpose is to be regarded as a county. This amendment would enable the city of St. Louis and St. Louis county to merge into a county or a city-county.

Second—Cities, including St. Louis, are authorized to extend their boundaries and annex contiguous cities without reference to county lines, provided such annexations are approved by a majority of the voters of the territory affected. This section of the new constitution, of course, applies to such other cities as Kansas City, St. Joseph and others, but is of most direct concern to St. Louis.

Third—St. Louis may return to and become a part of St. Louis county and then expand in the usual way.

Another provision relating to St. Louis specifies that the board of aldermen, which is now elected at large from wards, shall, in the future, be elected by wards. At present, with the members of the board elected at large, all are Republicans, but with this proposed change the Democrats will gain representation.

SECTIONS TO BE SEPARATELY SUBMITTED

Profiting by the experience of other states, notably New York and Illinois, which submitted their revised constitutions to the people to be approved or rejected as a whole with the result that they were rejected, the Missouri constitution makers have decided to submit the revised sections to the people in the form of twenty amendments to the constitution and one amendment to the schedule which contains provisions for carrying the constitution into effect. The form of the ballot permits separate vote on each amendment, and a majority of the votes cast on any amendment is sufficient for its adoption or rejection.

The date set for the vote on the new provisions is February 26, 1924.

BRIEF REVIEW OF CITY PLANNING IN THE UNITED STATES, 1923

BY THEODORA KIMBALL

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RECENT news is at hand from nearly two hundred and fifty cities and towns —a hundred more than last year— including city planning, zoning, and regional or county planning in forty-two states of the Union and the territory of Hawaii. The southern states are all represented, Oklahoma being conspicuous in the southwest, and the far-western states of Wyoming, Idaho, and Nevada appearing for the first time.

THE MOVEMENT ESTABLISHED

Of the sixty-eight cities in this country having a population of 100,000 or over, news has been received in 1923 from almost all. In every one of the forty largest cities there is or has been at work an *official* city planning or zoning commission, and construction of public improvements is now proceeding in the great majority according to well-considered plans. The United States department of commerce issued a statement that on September 1, 1923, 40 per cent of the urban population of the United States lived in the 183 zoned cities, towns and villages,—more than 22,000,000 people. When there shall be added to these the residents of the municipalities now engaged in drafting zoning ordinances, over one fourth of the total population of the country will be enjoying the protection thus afforded. The extension of the advantages of zoning and comprehensive planning to the areas surrounding municipalities is the next step, on which a beginning has already been made. In all of the cities belonging to the metropolitan class studies have been undertaken or are being initiated which recognize the planning problem as transcending political boundaries.

The very considerable body of city planning experience already accumulated and recorded in print is attested by the extensive bibliography in the writer's *Manual of Information on City Planning and Zoning* published this year (Harvard University Press). A comparison with the bibliography published eight years earlier shows the progress from private efforts and tentative technique to official support and acceptance of technical diagnosis.

NOTABLE ACHIEVEMENTS

The organization of committees in leading cities all over the United States, undertaken by the American Civic Association, for the protection and enlargement of the plan of our own national capital is an event of importance. The committee in Washington itself is already very active and will bring in an early report intended to stimulate favorable congressional action.

The most striking event of the year was the voting of bond issues in St. Louis totalling $87,000,000 for public improvements, of which $25,000,000 was for projects directly emanating from the City Plan Commission. It is rumored that the St. Louis Plan is to be recorded in a monumental volume analogous to the reports for Chicago and Minneapolis. News from Philadelphia has just arrived of the bond issues totalling over $70,000,000 voted by the citizens in November, covering the Delaware River Bridge, subways, art museum, and many other important features of Philadelphia's plans. The Pittsburgh Plan prepared by the Citizens' Committee on City Plan was officially announced as completed at a memorable dinner held June first, and public assurance was then given of the co-operation of the city government. The committee's excellent work in furtherance of the plan will continue. Buffalo, not to be outdone by Pittsburgh in enterprise and enthusiasm, has also besides its official department a live City Planning Association with a program, like Pittsburgh, embracing its metropolitan region.

During the year, marked by the celebration of the twenty-fifth anniversary of Greater New York, the Plan of New York and its Environs fostered by the Sage Foundation has announced the completion of its preliminary survey studies made in the six sectors by the group of six consultants,—Messrs. Adams, Olmsted, Nolen, Bartholomew, Ford and Bennett,—a summary of the results to be published later in report form. The plan's notable economic survey of the region by Professors McCrea and Haig is also soon to appear.

Los Angeles deserves particular mention for the $26,500,000 bond issue recently voted covering several important features of its planning program. Baltimore, like Pittsburgh and Chicago successful in the passage of a zoning ordinance this year, shares with Los Angeles the distinction of having assured its port development scheme. Boston reports the largest annual official appropriation ($32,000) for city planning studies in proportion to population of any metropolitan city, being second only to Chicago ($40,000) in actual amount. Detroit's record of state, county and municipal co-operation in carrying out comprehensive improvements is enviable. The contract between the city of Paterson, N. J., and the Erie Railroad to eliminate twenty-three grade crossings in accordance with the Swan-Tuttle report of last year will be encouraging to other cities similarly hampered.

Of the educational campaigns carried on this year, in addition to the long-successful publicity work of Chicago, Pittsburgh, Baltimore, and Buffalo, that in Norfolk, Va., is noteworthy because of the interest aroused among the colored as well as white population by the prizes for school children's essays on planning and zoning. These were offered by the Technical Advisory Corporation in connection with the preparation of comprehensive plans there.

The new industrial town in the Pacific Northwest, Longview, being platted by Hare and Hare and, like Palos Verdes and Mariemont, to be built according to the most modern town planning principles, had the advantage of some of the last professional advice which Mr. George E. Kessler gave before his untimely death last March. There has been no such gap in the ranks of the protagonists of town planning since Mr. Charles Mulford Robinson's death in 1917. Mr. Kessler's work, particularly in the southwest, has had a far-reaching effect on municipal development.

PROGRESS IN CONSTRUCTION

The Detroit City Plan Commission (T. Glenn Phillips, consultant-secretary) reports progress on the widening of Woodward Avenue from Detroit to Pontiac—a distance of twenty miles—from 66 to 204 feet, and other notable city and county street improvements, besides extraordinary headway on the park system. Chicago also has advanced a large number of plan features, including both street and park projects. In Milwaukee public improvements on a large scale are going forward. The St. Louis Major Street Plan is in full swing, seventy-five openings and widenings being under way. Memphis is proceeding along the lines of the Planning Commission-Bartholomew plans.

In Boston the western traffic artery is in full use and proceedings for the Cambridge-Court street widening in the heart of the city just undertaken. Among southern cities Spartanburg, S. C., reports street improvements being carried out in accordance with Mr. Nolen's comprehensive plans.

In Washington the improvement of the area around the Lincoln Memorial marks another step in realizing the park commission plan. Denver's civic center shows progress, and further work on the Fairmount Parkway in Philadelphia brings it nearer to completion before the Sesqui-centennial.

LEGISLATION

As a supplement to his *Law of City Planning and Zoning*, news of current zoning legislation and court decisions has appeared monthly in the *American City* since June, 1923, in a department conducted by Frank B. Williams, Esq. For this the extensive information collected by Edward M. Bassett, Esq., for the Zoning Committee of New York is made available. The legal aid of Mr. Bassett throughout the country in promoting and stabilizing zoning has continued and increased. The legal researches of both these gentlemen in connection with the Plan of New York should prove of far-reaching value. The stimulus to the passage of comprehensive state zoning enabling acts given by the department of commerce standard act is gratifying, Iowa being one of the states successful in following it closely. The spread of zoning ordinances in Pennsylvania,—until now notable for their absence,—is expected, pursuant to the passage by the assembly of 1923 of an act authorizing cities of the third class, boroughs, and first-class townships to zone.

Counties may now zone in Wisconsin,—an important advance,—and the studies now in progress by Mr. Bassett and Mr. Williams as to desirable methods of regional zoning for Long Island focus on a new charter for Nassau county that will be most instructive to other county authorities.

Perhaps the most important group of city planning laws of the year has been passed in Ohio, sponsored by the Ohio State City Planning Conference, of which Alfred Bettman, Esq., was president. Regional and county planning commissions are authorized, and the enforcement of officially adopted city plans by control of new platting and subdivisions provided for. Cincinnati was the first city to take advantage of the latter law.

An event of 1923 is the inauguration of the Williams prize essay in some phase of city planning law, intended to promote interest among university students. It was won by Mr. Tracy B. Augur, a graduate of the Harvard School of Landscape Architecture, the subject set being "The Laws and Regulations Relating to Platting of Land in the United States as Affecting the Desirability of Lots for Dwelling Purposes" (published in *Landscape Architecture* for October, 1923.)

It is expected that a comprehensive survey of planning legislation for 1923 by Mr. Williams will appear in an early issue of the *American City* to which the reader is referred.

METROPOLITAN, REGIONAL, AND STATE PLANNING

Two constructive contributions to our conception of planning in the broader sense have appeared during the year: Mr. Comey's *Regional Planning Theory* and Mr. Whitten's scheme of open development strips explained in his paper before the National Conference on City Planning at Baltimore. The work of the specialists engaged on the Plan of New York and its Environs is also pushing the circle of our knowledge farther out, as well as stimulating like action in other cities.

As compared with a year ago, the gain in regional activity is enormous. Los Angeles has secured an official county planning commission; Boston has succeeded in obtaining the division of metropolitan planning in the Metropolitan District Commission; Milwaukee has a live county park commission and rural planning board. Pittsburgh's Allegheny County Commission is at work in full co-operation with the City Plan Commission and Citizens' Committee. Chicago has just formed the Chicago Regional Planning Association with representatives from the huge industrial region extending as far as Milwaukee and including also the northern corner of Indiana, the Association being an outgrowth of the committee appointed at the City Club conferences last March and pledged to a broad program outlined in the scheme of surveys and procedure drawn up with the advice of Mr. Jacob L. Crane, Jr., for the City Club committee. The fifty-mile radius and interstate area are analogous to the scope of the New York regional undertaking.

A Detroit metropolitan district is being studied. Buffalo and Cleveland are both awake to regional needs, under the leadership respectively of the City Planning Association of Buffalo and the Cleveland Chamber of Commerce. The City Plan Commission of St. Louis is also initiating a movement for regional planning. San Francisco is looking to arouse interest in the whole San Mateo Peninsula development. Mr. Whitten's work in Rhode Island cities, the Olmsted and Technical Advisory Corporation work in New Jersey, Mr. Bennett's in the vicinity of Chicago, Mr. Nolen's at Wyomissing (Pa.) and Mr. Phillips's in Wayne County (Mich.) might be especially mentioned for their regional character. The regional demonstration work conducted by Mr. Haldeman of the Pennsylvania State Bureau of Municipalities in the Allentown-Bethlehem region, following the earlier Wilkes-Barre study, is notable.

The Los Angeles County Planning Commission's program, in operation since last January, has especial interest because its secretary, Mr. G. Gordon Whitnall, reports such a rate of progress that real results will be ready for inspection at the meeting in Los Angeles in April, 1924, of the National Conference on City Planning.

New York has this year established a bureau of housing and regional planning in the state department of architecture, thus becoming the fourth state to maintain an official bureau for fostering city planning. Massachusetts has recently secured an appropriation for and appointed a field worker to extend the work of its town planning division. Pennsylvania's state activities have been increased by the formation of the association of city planning commissions of cities of the third class, and the undertaking of a regular news bulletin. Successful state city planning association meetings have been held in 1923, also in California, in

Massachusetts and Iowa, both states where interest is kept warm by the issue of periodic bulletins, Indiana, where a new organization (Indiana State Conference on City Planning) was formed, and Ohio, notable for the resulting body of legislation already mentioned.

COMPREHENSIVE CITY PLAN REPORTS

While city planning activity has increased tremendously during the year, a less number than usual of comprehensive plan reports have been published. Those for three cities and one town are of especial interest. The St. Paul report (Bennett & Parsons, consultants, George H. Herrold, city plan engineer) is the result of full surveys and contains detailed solutions of the city's problems. It is a thoughtful report appropriate to the city, well presented and valuable for study by other communities. Aërial photographs are used effectively to show the problems discussed.

The report for the Wilkes-Barre region by the Pennsylvania Bureau of Municipalities, published in 1922 too late for inclusion in last year's survey, is a well-illustrated publication interesting not only for what it contains, but also as a result of the state's first regional planning work. It has been actively promoted by the officials and Chamber of Commerce of Wilkes-Barre.

The Elkhart (Ind.) Chamber of Commerce is responssible for the report by Messrs. Nolen and Foster, just published and presented to the city by the chamber. It is a live report, including zoning, and has already reached all classes of the community by its striking appeal.

Mr. A. A. Shurtleff's Norwood report is notable because of its excellent appearance and because Norwood has maintained an exceptionally high standard of development with great possibilities of preserving this in the future. A zoning ordinance drafted by John P. Fox is included. Mr. Shurtleff's statement of the value of a comprehensive plan to a town which caps the report is particularly worth reading.

The annual report of the Atlanta City Planning Commission (Robert Whitten, consultant) contains a comprehensive planning program which will follow up the good work already accomplished by the zoning ordinance. In the latest annual report for the town of Dedham, Mass., a neighbor of Norwood's, Mr. Shurtleff outlines planning needs.

The biennial report of the Honolulu City Planning Commission contained in the mayor's official volume is worth mention because of the excellent work already accomplished, especially in street planning of undeveloped surrounding areas.

The unpublished comprehensive plans now in progress are numerous; and some available record of these may be hoped for in the future. The report for Springfield, Ill. (American Park Builders) is to be published shortly, and the final report for Springfield, Mass. (Technical Advisory Corporation) will make public an extensive body of information on planning technique.

ZONING

Zoning was the first choice of subjects for discussion in the ballot on the program for the recent convention of the League of California Municipalities, taking precedence over street improvements, finances and so on. It was a leading feature at the National Conference on Housing called by the National Housing Association at Philadelphia early in December; and it has played a part in practically every convention program dealing with municipal problems. The zoning round-tables conducted by Mr. Bassett at the National Conference on City Planning at Baltimore elicited much news and valuable comparison of experience, and Baltimore itself offered opportunity for studying the interesting work of Major Shirley and Mr. Grinnalds.

General state zoning enabling acts should be noted as passed in 1923 in Delaware, Iowa, North Carolina, North Dakota, Oklahoma, and Wyoming, besides additional legislation and acts pertaining to specific cities in several other states. Among the cities which have enacted zoning ordinances during 1923 may be named Baltimore, Chicago, Columbus, Indianapolis, Kansas City (Mo.), Pittsburgh, Providence, Raleigh, Sacramento, Seattle, Springfield (Mass.), and Toledo. Boston has its zoning survey in advanced stages; Philadelphia, where a new zoning committee was recently appointed has been, trying to get action by passing an ordinance covering West Philadelphia alone before carrying through the whole program; Detroit has not yet succeeded in overcoming opposition to the ordinance offered last year; and the Lincoln (Neb.) ordinance is also pending. Cincinnati and Oklahoma City have zoning ordinances on the way through. The zoning movement in Denver and Nashville is just getting under way.

The strengthening of clauses in the New York zoning ordinance continues to predominate over the relaxing. The realtors of Evanston, Ill., report that zoning has raised the city's valuation 100 per cent in one year. Atlanta reports nine months of very successful operation under its zoning ordinance. The officials of St. Louis state that since the enactment of the zoning ordinance in 1918 only one out of every two hundred prospective builders has found cause for complaint against the provisions of the ordinance. Honolulu, having passed a zoning ordinance in 1922, reports satisfaction with its results.

STREET SYSTEM IMPROVEMENTS

Mr. Raymond Unwin, the distinguished town planner, revisiting America after a lapse of a dozen years, was struck forcibly by the "difficulty of moving about in towns." There is scarcely a city engaged in planning work which does not report increasing or intolerable traffic congestion. The special studies published this year by Mr. Swan on the relief of this congestion and Mr. Young's studies of automobile parking with special reference to Chicago, presented before the National Conference on City Planning, are both noteworthy. The interest of the National Automobile Chamber of Commerce in city planning as an aid to solving traffic problems should also be recorded.

Notable features of the year in street system improvement are: the official recognition of the Pittsburgh Major Plan by resolution of city council; the Tuttle proposal for arcading Vesey Street in New York; the rearrangements promoted by the Property Owners' Association in Dallas, Tex.; the spirit of co-operation among property owners in Atlanta, Ga., shown by the voluntary dedications for street widenings; the adoption of the Cincinnati street plan; and the work on a main thoroughfare plan for Indianapolis, under the guidance of Mr. Whitten and Mr. Sheridan. The Los Angeles Traffic Commission composed of representative citizens co-operating with the City Plan Commission and others has published a traffic program for the greater city touching all phases of the street traffic problem and related matters, and has just engaged the services of Messrs. Olmsted, Bartholomew, and Cheney to prepare a comprehensive major street plan.

RAPID TRANSIT, RAILROAD TERMINALS AND PORT DEVELOPMENT

Several important transit reports have been published this year: for Pittsburgh as a part of the Pittsburgh Plan; for the Boston Metropolitan District by the Massachusetts Department of Public Utilities; for Chicago by Mr. Kelker; and for New York by the Merchants' Association and the New York Transit Commission, the latter offering newly studied solutions in Mr. Turner's recently published reports. The Philadelphia rapid transit plan revised from the earlier Taylor report is now ready to go forward. Rapid transit studies by Mr. Bibbins are in progress in both Detroit and Indianapolis.

The Springfield (Mass.) City Planning Board has issued a report on its railroad situation containing a review and a forecast based on the Technical Advisory Corporation's study.

The City Plan Commission has approved and the city adopted the Water Front Development Plan prepared for Portland by the city engineer, Mr. Laurgaard, including not only river terminals but also the rehabilitation of an entire blighted district.

One of the most important port plans yet published is the Report of the Baltimore Port Development Commission, based on comprehensive recommendations by local and consulting experts and assured of realization by the 50-million-dollar bond issues authorized under the commission's enabling act.

PARK SYSTEMS

Two important investigations are proceeding looking toward the promotion of adequate park systems. Mr. Bassett's "inquiries aim to develop a constitutional method of legislation to bring about the dedication of small parks or playgrounds before the land is built over and at pro rata expense to the surrounding land,"—a study of the highest significance to regional planning. The Playground and Recreation Association of America in co-operation with other interested bodies is analyzing collected information on playground development.

The Pittsburgh parks report, the fourth unit in the Citizens' Committee plan, is an exceedingly interesting document, formulated under the direction of Mr. Bigger with the co-operation of committee members and the superintendent of parks. The report on the Union County (N. J.) park system containing the studies by Olmsted Brothers parallels their work on the adjacent Essex County Parks already highly developed. An account by Mr. Whitnall in *Parks and Recreation* (March–April, 1923) records tentative studies for the Milwaukee Metropolitan Park System.

In Detroit signal progress on the park system is reported including work on the forty-six-mile outer drive while a project inventory of January last shows practically the entire playground system recommended by the Detroit City Plan Commission already acquired. In Indianapolis park acquisition forms an important part of the present extensive public works program, in accordance with the park system plans completed by Mr. Kessler just before his death. Dallas is also substantially increasing its park area.

Buffalo's Erie County Park Commission bill failed of passage in the 1923 legislature, but there is hope that it will pass in 1924. During the year Iowa has enacted legislation fostering the establishment of playgrounds throughout the state. The friends of the Plan of Washington are hoping for the extension of the Washington Park System by action of the present congress.

CIVIC CENTERS AND CIVIC ART

The civic centers of St. Louis and Los Angeles are assured by the bond issues recently voted. The Los Angeles scheme prepared by Cook and Hall for the City Planning Commission has received much publicity. Progress on the Columbus civic center approved two years ago has been made, on the Denver group, and also on the State Capitol Park at Harrisburg. The fiftieth anniversary of the Fairmount Park Art Association was celebrated by a volume of historical interest in city planning an account of the Association's work for the Fairmount Parkway and surrounding public buildings.

The Committee on City Plan of the Cleveland Chamber of Commerce has drawn up a public building program for the city and county of particular interest in connection with the development of the civic center plan. Mr. Bennett of Chicago calls attention to the significance of the architectural improvement in Chicago's public works now showing co-ordination of engineering and architectural skill.

The space allotted to this article in the NATIONAL MUNICIPAL REVIEW does not permit a more extended mention of reports of special activities. A fuller account by the writer with a bibliography of plan reports for 1922–23 will be found in *Landscape Architecture*, for January, 1924, *also reprinted.*

THE LOOK AHEAD

We have many planning projects to hear from in 1924. To mention a few at random in north, east, south, and west: Chattanooga, Louisville, Richmond, New Orleans, Houston, Pasadena, Los Angeles, Oklahoma City, Kansas City (Kan.), Des Moines, Denver, Boise City, Bismarck, Grand Rapids, Gary, Evansville, De Kalb, Cincinnati, Dayton, Columbus, Ashtabula, Schenectady, Albany, Springfield and North Adams (Mass.), Boston, New Haven, Bethlehem, York, and Altoona (Pa.).

The experience of Pennsylvania, where the Bureau of Municipalities has been successfully at work for several years, points especially to the value of interesting municipal officials in city planning work. While great strides in this direction have been made already, our hope for increasing progress lies in educating town and city officials and members of state legislatures throughout the country to appreciate the need of comprehensive planning and of co-operation in planning among communities in the same region. Particularly is this true for small towns and villages not yet affilicted with the evils of congestion. Although space has not permitted here the mention by name of many smaller places responsible for excellent planning work in 1923, their achievement is none the less a challenge to dozens of their neighbors to go and do likewise.

OUR LEGISLATIVE MILLS

VII. NEBRASKA

BY RALPH S. BOOTS
University of Nebraska

How the legislature behaves itself in a state in which the individual members pride themselves on independence of a tight political machine.

THE tone of the Nebraska legislature has been considerably elevated within the last twenty years. The session of 1905 is supposed, if one may accept the press opinion, to have marked the end of railway control through the free pass. Thereafter, until the session of 1917, the liquor interests are said to have exercised a predominant influence and to have elected the governors, 1912–1916. The adoption of the I. and R. in 1912 and of a prohibitory amendment in 1916 weakened the power of this group which had been allied with various corporate interests.

The excellence of the membership in 1913 is said to have thrown into relief the defects of legislative methods. That year witnessed the appointment of a special committee to propose reforms in procedure, many of whose suggestions were adopted in 1915. One can hardly believe now that not so long ago a cabinet of liquors graced the walls of the house, to which some employee was authorized to admit members at their pleasure. Only one man last year seemed to be in attendance under the influence of intoxicants, although cloves might have been advantageously chewed by one or two others. Members are not taken to bawdy houses as a form of entertainment. The house still presents a sort of rough and ready appearance, and sometimes lively horse-play is indulged in. When one member this year annoyed the body by his much talking, his colleagues left the room and two or three took the fire hose from the wall and marched down the center aisle playing a stream in front of them. The deluge was less complete, because the faulty hose broke. On another occasion the speaker called to the chair a member who was sitting in vest and shirt sleeves, and delay in responding to the speaker's call was necessitated by his putting on his shoes, which he proceeded to lace after taking possession of the gavel.

COMPOSITION OF THE LEGISLATURE

The structure of the Nebraska legislature presents no unusual features. As in about one-third of the states, the senators and representatives serve equal terms of two years. Both are elected at the same time. The house contains the constitutional maximum of one hundred members and the senate thirty-three members, although an amendment originating in the convention of 1919–1920 permitted an increase to fifty. Another amendment requires the election of members from single-member districts instead of by counties. Lancaster formerly elected six representatives at large and Douglas county twelve, and several others two each. This change is held responsible by some persons for the appearance of a few "freaks" at the last session who could not have been elected on a county-wide ticket. Perhaps one may say that the representative character of the legislature has been improved by the change. It seems quite certain that the cohesiveness of the county delegations has been weakened. The redistricting of 1921 seems to have been accomplished with little or no gerrymandering. No part of any county is attached to another county to make a district. One representative is elected for every 12,955 people, excluding aliens; the least populous district contains 7,644 people and the most populous, 19,494. The senatorial ratio is 39,258, and the populations of the several districts range from 31,920 to 46,893.

In the five sessions, 1913–1921, five hundred persons were elected to the house. Of this number 144, or 29 per cent, served two or more terms in house or senate, but not necessarily within these years; twenty-five served three terms; sixteen four terms; four five terms; one seven terms; and one eight terms. In the senate for the same period, of the 165 members elected, thirty-four served two terms; fifteen served three terms; eleven served four; two six; and two seven,—a total of sixty-four experienced members, or 39 per cent.

The committee on reform of procedure in 1915 recommended a reduction in the number of senate committees from forty-two to twenty-seven, and of house committees from forty-seven to twenty-eight. A reduction in the membership of committees was also urged. The senate of 1921 provided for thirty standing committees, exclusive of those on arrangement, etc., engrossed and enrolled bills, with a total membership of 192, so that each senator served, on an average, on six committees. Eight of these committees received none of the 351 senate file bills, and six others received fewer than five bills each. The house in 1921 contained twenty-nine standing committees, besides those excepted above, with a total membership of 255, each representative belonging, on an average, to two and one-half committees. Eleven of these committees received ten bills or fewer; the judiciary committee received 107, and seven others from thirty-four to fifty-five each. Six hundred twenty-four bills were introduced in the house. Of the 183 senate file bills referred to house committees, five committees received 117. Of the twenty-eight committees this year, ten received ten bills, or fewer, of the total of 724 introduced, while five committees received forty bills or more each, the judiciary committee disposing of 230. The designations of the committees indicate that they cover the field of state legislation quite effectively and without material overlapping or omission.

COMMITTEES

The rules of the house provide for the assignment of members to the standing committees by a committee on committees, composed of two members from each congressional district and one at large. The representatives from each congressional district seem to choose the members of the committee on committees for that district. Committees in the senate are appointed by the senate, and in practice a scheme very much like that of the house prevails. These committees represent, of course, the majority party. They determine the relative strength of the parties on the standing committees. This year the senate selecting committee received the preferences of the various senators and recorded them on a chart to facilitate the disposal of members according to their preferences. Five Democrats, one-half the total number in the senate, received chairmanships. The house committee on committees requested the Democratic caucus to present a list of Democrats and alternates for the minority party places. No alternates were proposed and the Democrats seem to have been assigned exactly in accordance with their party's recommendation. The house committees elect their chairmen by an absolute majority vote, and the one on insurance chose a Democrat. The prevailing opinion seems to be that the committees on committees are selected largely on the basis of experience and ability, with emphasis probably on the former qualification, and that there is not much preliminary manipulation involved. The adoption of the method of electing committees, to replace appointment, is considered one of the most important changes in the practice of the legislature. Nevertheless, it would be quite unreasonable to suppose that persons interested especially in some particular program or measure should not employ strategy at this point. Likewise these selecting committees are said to be actuated by an honest purpose to make up the standing committees from the best qualified men with little regard for the prospective outcome of their action on bills. A capable new member of the house was made chairman of the revenue and taxation committee. The chairman of the house committee on committees claims to have placed every man from his congressional district on the committee of his first choice, and himself to have been outvoted several times in the standing committee of which he was elected chairman. Some committees are one-sided by chance because persons of similar points of view asked for places on them. It is said that committees prefer ordinarily to send important bills out to the houses rather than to take the responsibility for killing them.

There is general agreement that it is difficult to reverse the action of a committee on a bill, yet the majority may have its way, since only a majority is required for the purpose, and committee action was reversed several times during the last session. A bill for the repeal of the rule of assessment of intangible personalty at 25 per cent of its value received ninety-nine votes in the house and was not reported out of the senate committee, yet no particular rumpus was raised. The introducer conceded that it could not pass, and finally senate action took it from the committee and laid it on the table. In 1915 the house passed by a vote of nine to one a resolution for the submission to the voters of the question of calling a constitutional convention, which the senate defeated. These actions seem to support the common opinion that the senate is much more conservative than the house, although they are in a degree difficult to explain, since practically the only structural difference between the bodies lies in the fact that senatorial districts are three times the size of those of the house. It is quite probable that conservative business interests of the state take special pains to oversee the elections of senators.

The rules require all committees to report within four days in the senate, and five days in the house. Hardly any attention is paid to the rule. The explanation offered by members is that it requires the impossible. Relatively few bills, however, die in committee although they may not be acted upon until late in the session. The records seem to show that only nine senate files died in house committees in 1921, and none in senate committees; about fifty house rolls died in house committees, and only six in senate committees. This year the corresponding figures are: eleven, two, ninety-five, and nine.

Schedules of committee meetings are required to be adopted and posted in each house, and records of the votes in committees are to be kept. The rules of the house stipulate that this record shall be made part of the report on bills and entered in the journal. The poll of the committee is required to be made part of the report only if demanded by two members of the committee. Records of divisions are pretty regularly kept by the chairmen or the secretaries of the committees, especially the larger ones, but neither these nor the votes of individual members are entered upon the journals and it is not probable that the information could be obtained at the close of the session. As a usual thing newspapers carry the votes of members of committees on important measures.

There is little sentiment in either house for the use of joint committees. Committees are almost always fair in their treatment of bills.

Despite the recommendations of the committee on procedure already referred to, that committee meetings be held in the forenoons and sessions in the afternoons, the committees continue to meet after the adjournment for the day. Regular meetings are held for the house from four to six o'clock, and the rules of each house require final action on bills to be taken only at regularly scheduled meetings in daylight hours. Early in the session the house committees meet quite strictly according to schedule, but they become lax later on, and only the more important senate committees find it possible to follow a schedule because of the overlapping membership of committees. The special committee of 1915 asserted that the committee work of the legislature had become a farce. In the opinion of thoughtful persons it is still a weak spot in the chain of procedure, although perhaps conducted in a manner superior to that of most state legislatures. Almost the only suggestions for improving the committee system submitted by members who responded to an extensive questionnaire were these: Reduce the number of bills; use a secret ballot (for committee action apparently); record the vote of members (directly contrary to the preceding); use joint committees; employ a committee (early in the session) to correlate bills relating to the same subject; prevent lobbying; and ignore petitions.

VOTERS NOT ACQUAINTED WITH LEGISLATORS

Even in Nebraska the voters are none too well acquainted with their legislators. Probably when the candidate is well known, the most important influence in determining the action of the voters is his character, ability and general qualifications. The influence of party, it is said, is not strong enough to cause the choice of a distinctly inferior candidate merely through the effect of party affiliation, but since the voters do not often know the candidates well, party is likely to be the dominant factor, especially in the selection of senators. It is altogether probable that the people think they are more independent of the party tie than they really are and, indeed, that members are similarly self-deceived. Few are the legislators who do not admit adherence to one or the other of the two old parties.

An active campaign counts considerably if the candidate is moderately well qualified, and if he takes a fairly definite position on public questions. The party platform, except as it is presented by the candidates for the legislature, probably has little influence on the outcome, although a number of members believe it appeals to the electors. Both platforms called for the repeal of the indeterminate sentence law in 1922, but it is still on the statute books.

The members are generally free to vote their convictions on measures, and when they do not do so their action is determined by considerations of local sentiment, or partisanship, or by trades, or by the influence of the lobby, or friendship. There seems to be little control of members' action by so-called "county rings," though it is conceded that the advice of local officers of the same party carries considerable weight, in part because it is supposed to correspond to the views of constituents generally. The custom of passing the honor around accounts in a measure for the lack of a greater percentage of experienced members, as do also the sacrifice involved in accepting the office, and the swing of the voters from party to party on state-wide or national questions.

BLOCS AND LEADERSHIP

The most noticeable non-party group in the recent session was the farm bloc. Frequent meetings were held in an effort to concentrate their strength, but they accomplished little due to divisions on local issues and the belief that one or the other was trying to use the group for personal ends. The Omaha delegation tries to hold together for trading purposes. There is a sort of state institution bloc, a local officeholders' entente, and an intangible property interest which one member considered the basis of the outstanding alignment in the house.

Leadership in either house is a matter of chance and personalities. Of the 1913 session the Omaha *World Herald* said, "It has been neither Democratic nor Republican. It has been without organization, without leadership, or system, without definite plan or purpose. . . . Party obligations were unrecognized, party caucuses under taboo, party authority was hateful. Every man was left to pull for himself." Probably most persons would agree that leadership was largely lacking last year, especially in the senate. There were leaders or would-be leaders in the house, some of whom found it difficult to obtain a following. The basis of this leadership is mainly superior ability or experience and the confidence of the other members; sometimes it rests on an appeal to the party platform, or on the influence of the caucus, or the chairmanship of committees. Several persons believe there is not leadership adequate for securing the best work from the legislature. Hardly anyone admits that a few members run either house, although it is conceded that if a few in each house could coöperate they could largely dominate these bodies. A few sessions ago a single senator to a great extent directed the senate's action. Though the members assert the existence of their independence and intelligence, and the looseness of party organization, it is of course probable that real leaders could lead.

The rules are not used oppressively. The members stand almost on an equality in this particular. There is nearly always an opportunity for everyone to have his fling at his colleagues and the gallery. There is no limitation on the time which a member may speak. The house adopted a five-minute rule this year, it is true, but when anyone in possession of the floor could persuade others to grant their time to him he was allowed to proceed, making the rule of practically no effect. The rules are rather strictly adhered to and impartially administered by the presiding officer, and are seldom employed to force measures through. Not until well along in the session will closure be applied, and then mainly to shut off some windy gentlemen who wish to attract public attention.

THE LOBBY

The lobby we shall probably always have with us. The country over in recent years it seems that the public attitude toward the lobbyist is changing. Lobbying has at least taken on a tone of respectability. Its coarser methods have been no doubt in most cases relinquished. Perhaps it appeals to an improved type of legislator. The lobby nowadays serves the legislature as parties are supposed to serve the public—by presenting the issues upon which the lawmakers may act. The Nebraska lobby law, enacted in 1907, forbids the lobbyist personally or directly or by any means to influence any member of the legislature otherwise than by appearing before regular committees, and so on. It requires registration, prohibits employment for compensation contingent on the passage or repeal of any measure, and calls for an itemized statement of expenditures on the part of those employing the assistance of lobbyists. It is somewhat doubtful whether all the paid lobbyists are registered in accordance with the law, and as one legislator put it, "The most dangerous are not always paid." The first provision of the law is a dead letter. This year a resolution which appeared in the senate in favor of enforcing the lobby law failed of passage because the senate thought it could take care of itself without such action. It is doubtful if all the expenditures of money for lobbying are represented in the fifty itemized statements which were filed with the secretary of state for this year.

Most members seem to think the work of the lobby on the whole beneficial rather than detrimental to good legislation because it is the source of almost the only information they get on many bills. Some members will not allow themselves to be approached; some are influenced who think they are not. In the main the members who are influenced by the lobby are not those who determine legislation. The legitimate activity of well-to-do lobbies through the employment of highly-paid attorneys and ex-members as witnesses before the standing committees quite probably results in unpopular, if not bad, legislation.

STRENGTH OF PARTY ORGANIZATIONS

The extent and intensiveness of party organization vary from session to session. Both parties caucused in each house in 1923, the Republicans in the house perhaps a dozen times or more. The chairman of the Democratic caucus in each house was recognized as a sort of floor leader; a steering committee was also supposed to function in the house. A group of Republicans arranged business with the speaker, distributed its conduct so as to gain support and avoid the appearance of a ruling group. The party organization seems to have less influence in the senate than in the house, and, purely as an organization, not much in either. A few sessions ago the senators were rather amused when at times the divisions of that body followed party lines. One of the causes of a more pronounced display of partisanship this year than usual was the claim of the Democratic governor that he represented the political desires of the people. At the same time the forty-one Democrats of the house, if they could have been held together, were sufficiently numerous to make vetoes effective. The Democratic platform had denounced the mounting expenditures of recent years and the reorganization of the state administrative departments. These were the partisan issues in the legislature. The situation with reference to these matters affected somewhat the whole attitude of the legislature which did not expect to accomplish much. "The game of politics played for the last three months by both sides under the capitol dome is still on," runs the comment of the *Journal*, and "members of the house apparently are unable to divorce themselves from political issues when it is possible to raise the party cry."

The degree of control exercised by the caucus is doubtful. On the so-called "partisan" questions it is rather complete, and some persons insist that it is employed on no other measures. It seems that twelve Republican members came to Lincoln pledged to repeal the administrative "code," but were won over by the caucus. Only two Republicans failed to line up with the caucus decision on this matter. One of these is said to have introduced no bills, and the other to have felt some loss of standing as a result of his action. In the senate the attitude of the party members toward the nonconformist brother is quite certainly not severe. There is practically unanimous agreement that in neither house does a member have to make terms with any person or organization in order to get his measures considered. The senators themselves also assert that there is little log-rolling; the representatives are by no means so certain. Trading is probably one of the most serious evils of the legislature—it makes the localities supreme. The members view themselves quite distinctly as the agents of their districts.

Opinions differ as to the exertion of outside pressure upon the legislature. The governor exerted the greatest influence with the Democrats. In several recent sessions before 1923 the Democratic state committee practically organized the legislature. This year the Republican state chairman was not seen around the capitol and was reported to be opposed to the majority's policies. The newly elected United States senator attempted to influence legislative organization and action without much effect.

At every session of the legislature since 1877, except that of 1913, both houses have been controlled by the same party. In 1911 the governor was a Republican and the legislature Democratic; in 1913 the governor was Democratic and the senate Republican; and in 1923 the governor was Democratic and the legislature Republican. Perhaps only the last two governors of these five really attempted to lead the legislature. Governor Aldrich's methods of procedure were direct and vigorous, but his relationship with the opposing party and the "wets" was not cordial. Morehead was "a sort of oily executive"; his attitude toward the legislature was of a negative tone. Nor had Neville much influence with the legislature, though personally more positive, but inexperienced politically. McKelvie had his program put in the party platform and appealed to it in the legislature. His party possessed a "brutal" majority in each house. He called members to his office and his home frequently. Bryan has had experience in newspaper work and seems to have tried mainly to reach the lawmakers by giving his views to the press. He pointed out a method of saving the state several millions of dollars and urged the voters to deluge their representatives with postal-card petitions, but the shower was slight. Bryan consulted members of his party now and then.

If a slight use of the I. and R. constitutes evidence, the work of the legislature has been fairly satisfactory to the people of the state. Only three proposals to amend the constitution have been submitted through the former process, and two of these failed to receive popular approval. A lone statute was proposed by the initiative mainly because legislative submission was thought unconstitutional. Seven enactments have gone to the voters by referendum petition and the legislature has been overruled in five cases.

THE BICAMERAL SYSTEM

Legislators as a rule do not think that the fact that a measure has already passed one house induces the other body to consider it less thoroughly. Probably half the solons admit that the requirement of running the gauntlet in another body eases the passage of a bill through the house first considering it. One well-educated representative believed he could sense a mob spirit in the house, which, flaring up now and then, would result in the killing or passing of several measures in succession without much consideration. Perhaps a dozen times, representatives came to one of the senators during the last session to request his assistance in defeating bills for which they had voted. Imperfections are frequently left in bills which pass one house with the understanding that they will be corrected in the other. A thoroughly capable ex-legislator asserts that it is relatively easy to secure the acceptance of a bill by the house of which one is a member, and that the other house takes an impersonal attitude toward it.

It is somewhat difficult to trace the history of bills from the index of the journals, and consequently the following classification may contain small errors. In 1921, 226 bills passed the house first and went to the senate; thirty-two were indefinitely postponed, seventy-five passed the senate amended, and 119 passed unamended. One hundred eighty-six bills went to the house from the senate. Approximately sixty-four were indefinitely postponed by that body, fifty-one passed amended, and seventy-one unamended. In 1923, 245 bills came to the senate from the house. The senate committee recommendations were: reported for general file, 118; reported as amended, fifty-seven; and reported for indefinite postponement, fifty-eight. One hundred forty-eight of these bills finally passed the senate. To the house the senate submitted 114 bills, of which the committees placed seventy-six, nine, and seventeen in the three classes noted just above. The house finally accepted fifty-one of these 114 bills. It is obvious that the second chamber is formally, at least, a check upon the action of the first.

There is a definite movement for a unicameral legislature in Nebraska. The committee of 1913 on procedure, already referred to, recommended such a change. The proposal received the support of a majority in the 1915 session, but not enough votes to submit it to popular vote. In the constitutional convention of 1919–20, a resolution for the separate submission of a unicameral proposition was defeated by a tie vote. An initiative petition is now being circulated to put the question on the ballot at the next election. A large percentage of the people approached sign the petition, but the most effective and the usual argument in securing these signatures is that a signature does not signify a preference for a unicameral legislature but only a willingness to give the people a chance to vote on the proposition. This amendment provides for a body of not over one hundred members. A printed folder used in connection with the petition asserts that two classes will be against it from the beginning—the politicians and the corporations representing big business. Despite the small number of acts passed, and the relative absence of a jam at the close of the session, there are several cases of two acts attempting to amend and repeal the same section of the statutes.

The members this year made an unusually gratifying use of the services of the Legislative Reference Bureau, which employed two bill drafters, one research and two library assistants, and a force of stenographers. The bills handled for 118 members totalled 625, the resolutions, thirty, and the amendments, one hundred. Approximately fifty members sought information from the Bureau on the subject matters of legislation.

The classification of members on the basis of their attitude toward their duties, as made by an experienced representative, is worthy of record. All think they will be excellent or ideal lawmakers before they come to the capitol,—they will vote on every bill strictly on its merits. But they find they cannot keep their heads above the tide of legislation. Some become indifferent; others still try to study measures as much as they can; others resort to log-rolling; and some respond to coaxing or good-fellowship, or the claims of party affiliation. An earnest, intelligent, representative, serving his first term, states that all members can and do talk on the small bills which get most thorough attention at the beginning of the session, but that members cannot understand the more important legislation which is hurried through toward the end. "The average member either will not try to, or cannot, understand a bill over a page and a half in length."

In conclusion it may be said that the legislators are perhaps on the whole seriously minded toward their obligations and fairly representative members of their communities, though not possessed of any special qualifications for their tasks and not very open-minded, inclined rather to retain their prejudices and traditional views in the face of new ideas. The first step in legislation,—the determination of the fields within which action shall be taken,—is pretty poorly performed. Parties and governors and legislative leaders are generally slow to present a program of legislation, or else present it in such a way that little state-wide expression of opinion is secured. Provision is made for the technical preparation of legislation, but members do not take advantage sufficiently of the opportunities of assistance in this work, and are lacking in aggressiveness in running down independent information as a basis for their decisions. The committee system is fairly adequate, but here, as elsewhere, the committees may be informed when the houses are not. The lobby is probably the most important source of information or misinformation. The machinery proper for the enactment of laws is quite satisfactory. There is a large opportunity for discussion, little effort at sharp practices, and in general conditions exist which support the impression that the product of the legislative mill is not widely different from what it would be if the citizen body could be substituted for the official lawmakers. Probably, however, the product of a representative assembly ought to be better than that of a primary assembly.

Considerable assistance in the preparation of this description of the Nebraska legislature was rendered the writer by two of his students—Clevia Severs and Carter R. Battershell. Much of the statistical information was derived from the Blue Book of the state and the Legislative Manual, both of which are compiled by the Legislative Reference Bureau. Extensive interviews were obtained with leading legislators and newspapermen, and an extended questionnaire was delivered to each member late in the session to which eleven representatives and eight senators responded.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Architectural Control in Chicago Suburbs.—A number of the suburban towns around Chicago have, during the past two years, initiated some degree of unofficial control over the architecture of private buildings. This has been accomplished by the informal action of a volunteer committee which examines the plans for buildings when they are submitted to the building commissioner for construction permits. This procedure has been fairly successful, and has without doubt improved the architectural standards of these towns.

The village of Lake Bluff has gone one step further and enacted what we believe to be the first ordinance in this country which officially recognizes the necessity for some degree of community control over architecture and imposes certain architectural requirements on all construction. It is recognized that the legal foundation for such regulation is at best uncertain; but it is believed that the indications apparent in recent court decisions are making this foundation more secure, and, further, it is believed that these particular regulations, which are most reasonable and general, will never be questioned in the community.

The architectural control is exerted by the village plan commission of Lake Bluff, and the regulations are stated in the recently enacted building ordinance, as follows: "Every building shall be so designed and constructed as to be suitable from the architectural standpoint in its environment." The ordinance also provides that no building permit shall be issued until the village plan commission has had an opportunity to examine the plans, although a permit must be issued or refused within ten days from the filing of these plans. It is also specified that for any buildings, the design for which has been approved by the village plan commission, a placard shall be issued stating that the design of the proposed structure has received this formal approval. As the ordinance is drawn, the village plan commission can withhold its approval of the design of the building, but at the same time authorize the issuance of a building permit. In other words, where the design of the building is passable, but not good, and the village plan commission is not able to get the design improved by persuading the owner to improve it, the actual construction may be permitted but the placard of approval withheld. When the owner realizes that all the other new buildings except his can display this placard, he will be inclined to rearrange his plans to secure this approval.

There is such a violent difference of opinion as to what constitutes good architecture in any given environment that regulations of this type are susceptible of only the most general and liberal application. They do, however, succeed in accomplishing two objectives of vital importance to the community which is genuinely concerned in the character of its new buildings. First, such regulations serve to prohibit entirely the occasional architectural monstrosity which creeps into every community; second, they stimulate a much greater and wider interest in matters of architectural standards in the town, and give formal notice to the prospective builder that the community intends to have good-looking buildings as well as good-looking streets and public places.

The whole movement represented by this new type of ordinance illustrates the transition of our towns from the primitive pioneer period to the period of community consciousness and community control of the future.

JACOB L. CRANE, JR.

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How Zoning Prevents Blighted Districts.—What starts blighted districts? Before the days of zoning they started almost over night. A residence block or a bright group of small stores would be invaded by a large stable or garage, or by a junk yard, milk-bottling works or fume-producing factory. The well-to-do owners would sell out and go elsewhere. The old houses and stores would be reoccupied by people who would let them run down. The stores would be taken for small industries and would go from bad to worse. It was almost impossible to stay the decline of a blighted district when it once got started. Some property owners lost a fortune trying to do it. The blighted district was usually started on its way by the invasion of one or more uses that were out of place in that particular locality.

Every part of the city was open to the exploiter. He could erect a building of any size, height or shape in any place and put it to any use however hurtful to the neighborhood. Sometimes it was storage of trucks in a good tenement district. Sometimes it was a six-story tenement in a locality of neat small cottages. Sometimes it was a metal factory in a home district. Frequently a varnish or paint works or some other nuisance factory would buy an acre or two of land in the suburbs and establish itself in the heart of what ought to become an area of small homes. When the growth of the city forced home building in that direction the good homes would avoid the factory. The surrounding twenty or more acres would be left vacant for a time and then perhaps built up with cheap and squalid structures.

The zoning plan put a stop to this chaotic building. Invasions of harmful buildings and uses were prevented. Business districts are protected against industry, apartment house districts against business, and cottage districts against apartment houses.

As an instance of zoning preventing blighted districts, the north side of Washington Square and parts of Greenwich Village are sometimes referred to. Before the zoning came, small industries and repair shops had begun to creep into and among the well-built private houses which had been deserted by their former tenants. Rents were low and everything appeared to be on the down grade. Then when zoning began in 1916 many of these streets were zoned as residential. There was an immediate brightening of the locality. The large homes were altered into studios and bachelor apartments. Now rents are good, the houses are well kept up and artists complain that they are being crowded out.

No blighted districts have begun in this city since the zoning was established, but, on the contrary, some that had begun have been redeemed.

Edward M. Bassett.

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Health and Hospital Survey for Grand Rapids.—A report on a health and hospital survey of Grand Rapids, Michigan, by Carl E. McCombs, M.D., of the New York Bureau of Municipal Research, is now in preparation. The survey was conducted under the auspices of a special survey committee of the Grand Rapids Welfare Union, which is the agency responsible for the collection and disbursement of the greater part of citizen contributions for the support of a large number of private health and welfare agencies.

The Welfare Union which has demonstrated in seven years of successful operation its value as the fiscal supervisor of the private health and welfare activities of the city has from its beginning realized the desirability of studying the question of co-operation health service in relation to highly specialized independent efforts of the many public and private health agencies of the city. The survey represents its effort to determine what the health status of the city is, and what can be done to develop through such co-operative effort a program of health service that will meet present and future needs more economically and efficiently.

Grand Rapids is only one of many cities where the need for co-operation for the public health is appreciated, but it is one of few cities where the spirit of co-operation is strong enough to further critical self analysis. The easiest way in every city is to "stand pat" on the existing order of things, but real health progress is only made when such spirit as Grand Rapids has evidenced by this survey dominates. Other cities confronted with like problems might well follow Grand Rapids' example, an example earlier set by the Framingham Health Demonstration, the New Haven Health Center Demonstration, the Cleveland Health and Hospital Survey, and other similar efforts to develop a community health program fitted to community health needs and embodying at the same time sound business principles.

No decision has yet been reached by the survey committee of the Welfare Union regarding publicity of the findings and recommendations of the survey. It is hoped that the committee will find it possible to make the report available to health workers generally. Inquiry regarding the survey and report should be addressed to Charles C. Stillman, Secretary of the Grand Rapids Welfare Union, 211 Shepard Building, Grand Rapids, Michigan.

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Street Traffic in London.—A census of the traffic passing selected busy points shows a large increase during the last few years, in one case amounting to as much as 64 per cent over the figures for 1919. These figures serve to show the increased difficulties of preventing congestion, as the available road widths to accommodate these heavy increases do not increase in anything approaching the same ratio.

A table showing the number of persons killed by accidents in the streets sets forth the total number of persons killed by day—510, and by night—165. Of this total number killed, 60 lost their lives from omnibuses, 35 from street cars, 25 from cabs, 176 from private motor cars, 39 from motor cycles, 315 from commercial vehicles, 22 from bicycles, 1 from horse, 1 from traction engine and 1 from private horse-drawn vehicle. Of the total number killed, 233 were under 15 years of age.

In the same period 20,736 persons were injured by day and 4,811 by night, the proportion as between the various classes of vehicles being much the same as in the case of those killed.

Among the prominent causes of accidents the following may be especially mentioned:

(1) Pedestrians knocked down and killed while crossing the street, etc., etc.

(2) Children riding on the connecting rod between tractor and trailer (26 in the year).

(3) Cycling in London, especially in streets where tram lines are laid.

Of the 492 pedestrians killed, a large proportion were in the carriageway either heedlessly or negligently.

With regard to children riding on the connecting rod, appropriate action has been taken by calling the special attention of the force to the matter, and by inviting the education authorities to impress the danger upon children.

The fatalities to cyclists have risen from 96 in 1921 to 113 in 1922, and it thus appears that now an average of over two cyclists are being killed every week. In a large percentage of cases the cause is skidding on tram lines.

The population of the metropolitan area according to the census of 1921 was 7,476,168.

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New York Transit Commission Reports on Growth of Traffic.—Passenger traffic upon the street railroad lines of New York city—the subways, the elevated lines and the trolley cars—is growing with tremendous rapidity, taxing the city's financial ability to keep in step with new facilities as they are needed. The rate of the growth of traffic, also, is almost continuously upward. What the future offers is explained by Commissioner LeRoy T. Harkness in the following statement:

On the average, day in and day out, 2,500 more people ride than rode the day before. This means an increase in the neighborhood of 150,000,000 more passengers per year—an increase in traffic almost equal to the total traffic of a city like Buffalo. Unless the lack of facilities chokes traffic there is indicated ten years hence the almost incredible figure of four billion passengers a year using the transportation facilities in New York city. It was in the light of these figures that the transit commission stated that to meet the present and future needs a consistent building policy of spending $40,000,000 to $50,000,000 a year on new subways should be adopted and followed.

New York's street railway system started business in 1832, when the first horse car rattled and jangled its way along Fourth Avenue in competition with the Broadway buses. There is no accurate record of the passengers carried in those early years. It was about 1860 that the keeping of reliable records was begun. These show that in the 28 years from 1832 the horse car companies had acquired and were operating 662 cars and carried in 1860 a total of 50,830,173 passengers. Twenty years later with cable cars substituted for horse cars in some cases, notably on Broadway, the figures showed a total of 4,308 cable and horse cars and an annual traffic of 290,417,028. There was at that time a claimed investment in railroad properties of $60,000,000—a large capital figure 40 years ago.

By 1900, the year when ground was broken for the first subway in New York, the elevated railroads, trolley, cable and horse car lines had a total of 8,275 cars, carried 846,353,058 passengers, and claimed an investment of $388,750,000.

The year 1920 marked the end of a period of enormous transit expansion through the construction of the first subway, its Brooklyn extension, the Centre Street Loop, the Fourth Avenue Subway, and most of the new lines and extensions of the Dual system, including the East and West Side Subways and the numerous elevated railroad improvements. The close of the second decade of the twentieth century found the transit systems of New York city with a total of 12,835 subway, elevated and trolley cars. Horse cars outlived the cable cars, but finally the last of them left the streets of New York in 1917. In 1920 there was carried a traffic of 2,273,336,533 passengers. This figure leaves out of consideration the traffic of the Hudson Tubes which in 1920 carried more than 90,000,000 passengers between New York and New Jersey. In this year there were outstanding transit securities in excess of a billion dollars.

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Proposed Survey of Federal Building Needs.—The delay in organizing the Sixty-eighth Congress has in no way obstructed the flood of bills authorizing the purchase of sites and erection or remodeling of federal buildings in village and hamlet and town throughout the length and breadth of this fair land of ours. Moreover, there already falls the shadow of the omnibus bill to distribute these prizes to the Congressional districts with impartial generosity. The proposal of the American Institute of Architects to establish a commission which shall survey the federal building needs of Washington and the Nation and make recommendations based on actual conditions comes as a constructive suggestion which would promise economy without penuriousness and appropriate buildings without unnecessary expenditure of the trust funds of the people. There is undoubtedly great need for federal buildings in many parts of the country, but the needs should be ascertained in order that the most pressing demands could be met first. Such a survey which would ascertain present and prospective needs over a period of years would permit an intelligent budgeting of expenses to be absorbed into the general estimates approved by the bureau of the budget. The real test of the ability of the director of the budget to effect actual savings will come when it is demonstrated that improvements on rivers and harbors and building of post offices are planned and carried out with the same care and economy that would be exercised by a private corporation desiring to conserve its funds. This is no argument for the neglect of the manifest duty of the officials of the federal government to house properly its activities; it is a plea for business-like methods in ascertaining and meeting the needs of the country.

Harlean James.

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Zoning Makes Rapid Progress.—Zoning ordinances have been adopted by 183 municipalities throughout the United States, according to information obtained by the division of building and housing of the department of commerce. The total population of these municipalities is in the neighborhood of 22,000,000. This shows an increase of 100 per cent over the figures for September, 1921, when the total population of zoned municipalities was 11,000,000. The division's complete list of zoned municipalities, with details as to the date and character of the ordinances, is given below, together with references to the legislation in different states under which zoning is authorized.

New Jersey leads in the number of cities and villages zoned with a total of fifty-one. New York is second with thirty, and Illinois third with twenty-three.

II. MISCELLANEOUS

The Second International Congress of Public Administration.—Thirteen years ago the Belgian Government invited the nations of the world to send delegates to a congress to be held at Brussels to consider problems of administration. This important conference resulted in the publication of five volumes of proceedings and in the inauguration of a permanent international committee to carry on until the following congress, planned to meet in 1914. Owing to the war no steps were taken to resume these meetings until 1923.

In the words of the invitation sent for the second congress held at Brussels September 13 to 16, "Since the first Congress the importance of administrative methods has continued to increase. During the war and since the treaty of Versailles, states, provinces, cities and communes have assumed new duties and have considerably increased their powers in many fields. The necessity of good administrative methods has been strongly felt, and eminent men like Fayol, Solvay, Taylor, have recently elaborated the principles which ought to govern administration. The improvement of methods of administration is being studied in every country."

The second congress was held in the *Palais des Académies*, and in conjunction with its sessions there was an exhibit of forms and documents used in administration in the *Palais Mondiale.* The agenda had been carefully drawn up and papers submitted on the various topics proposed, all of which were in printed form for the use of the delegates.

Most of the delegations were official. The invitations were extended through diplomatic channels and the delegates selected by the government. The English and American delegations were, however, unofficial, the former consisting of members of the Society of Civil Servants, the latter of ex-President Barrows of the University of California and the present writer. The delegates were usually high *fonctionnaires* although in many cases members of the government and of the national legislatures were in attendance. Thus to mention only a few of the two hundred delegates, the French delegation included two prefects, several inspectors and an underdirector in the department of the interior; the Italian delegation a member of the ministry and a delegate of the Association of Italian

Communes; the Spanish delegation the president of the Chamber of Deputies and representatives of many departments; the Hungarian delegation the minister of interior and the undersecretary of state; and the Roumanian delegation the vice-president of the senate. Nearly every country except Austria and Germany was represented, the Belgian delegation naturally being the largest, and including the minister of agriculture, M. de Vuyst, who acts as general secretary, the burgermeister of brussels, and several *fonctionnaires* from each ministry.

The work of the congress was chiefly carried on through its five sections, devoted respectively to local administration, administration intermediate between the state and the communes, central administration, documentation, and the improvement of administrative methods. The general opening session was addressed by M. Fayol, the leading continental exponent of *la doctrine administrative,* who summarized his theory in an admirable speech followed by an exchange of felicitations from several foreign delegations.

The agenda of each section was somewhat overcrowded and the discussions were frequently cut short by the lack of time. The method of procedure was well adapted to secure specific conclusions. After a brief oral presentation of papers written in connection with the assigned topics, each question was thrown open for discussion. The discussion was frequently animated and occasionally controversial, although on fundamentals the delegates were always in harmony, reflecting the view of the high-grade administrator represented in England by the former first division clerks. Following the general discussion came the formulation of a *voeu* or resolution whose terms were debated and finally accepted with such modifications as seemed wise to the section. These resolutions were eventually presented to the full congress at its final session for approval.

Space will not permit detailed description of these resolutions. The papers and proceedings may be obtained from M. P. de Vuyst, 22 Avenue de l'Yser, Brussels, for fifty francs. The more important resolutions approved the establishment of administrative courts to protect local administrations from encroachment by central governments, urged reform in the light of business experience and by co-operation of public officials with business men and students of administration, made plans for the extension of bibliographical enterprises and for improvement in methods of documentation, and advocated statutory definition of the rights and obligations of officials, recognizing the right of association but denying the right of strike. These resolutions have effect, of course, only to the extent adopted by the governments of the states concerned.

The value of the congress seems to lie not so much in the invention of new administrative devices as in the consideration of underlying principles and in the interchange of views by those engaged both in the practice and study of administration.

The congress represents an important international movement. Its permanent organization is found in an International Commission with headquarters at Brussels. Each state is entitled to representation, and is urged to form a national centre to keep in touch with the International Commission. Steps are now under way to form a representative committee in the United States whose functions would be to co-operate in the work of the congress, to ensure adequate American representation in the next congress which meets in Paris in 1926, and to push forward the work in bibliography and documentation.

Leonard D. White.

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The University of Michigan Course in Municipal Administration.—The Graduate School of the University of Michigan has just issued a new announcement of its course in municipal administration. This course was organized for the purpose of training men and women for the administrative service of cities and other public and quasi-public agencies. It has now been in operation for several years and its graduates are filling numerous positions as city managers, in bureaus of municipal research, chambers of commerce, and in other community agencies. Several departments of the University co-operate in offering the necessary courses, *i.e.*, economics, engineering, hygiene and public health, landscape design, law, political science, and sociology. The course leads to the degrees of master of arts or master of science in municipal administration. Students are accepted who have taken the bachelor's degree in literature or in civil and sanitary engineering. It is understood that the undergraduate work must include American government, elements of economics, and municipal government, besides sufficient mathematics, accounting, and natural science to enable them to pursue the work required for the degree. The course consists of one year's work of from 30 to 32 semester hours, and three months' actual experience in the field. The program of study includes courses in municipal administration, administrative law, municipal corporations, public finance, municipal finance, water works, city sewerage and drainage, roads and pavements, and a number of electives which varies in accordance with the previous preparation of the candidate. Special students who are not university graduates may be admitted to the course in the discretion of the committee in charge. Of this committee Professor Thomas H. Reed of the department of political science is chairman.

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The Training School for Public Service, organized and conducted by the Women's Municipal League of Boston and the National Civic Federation, is in its third year with fresh guarantees of the soundness of its policy and with stronger conviction of the importance of the need that it aims to meet.

Having in mind ultimately a plan for providing courses of training for every type of position to which women are admitted under the civil service, the program of the Training School is for the moment limited to preparation for positions of policewomen, school attendance officers and sanitary inspectors, to which positions women are being called in larger and larger numbers.

Registration is limited to women of mature age, with high school training or its equivalent, who have been tested out as to capacity in some form of work with a human interest. For persons who want to carry the course while they are employed through the day the schedule of hours for lectures and conferences is arranged for the late afternoon and early evening, extending from October to June. For those who wish to do more intensive work special schedules will be arranged. Fee for the regular course is $50.

This year the curriculum is carried on in close affiliation with Simmons College School of Social Work where courses in municipal government, social work and related subjects will be given. Special stress is placed upon field work, for which the city offers many opportunities; while lectures and conferences are given by experts from the city's public departments, nearby universities and technical schools, and from the field of social work.

A new step taken this year in the offering of special scholarships to communities that want to secure for selected candidates opportunity for study and training of this sort to fit them for immediate service in their own communities.

The work is classified into three general divisions: (a) The policewoman course; (b) school attendance officer course; (c) sanitary inspection course.

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Los Angeles Retains Planning Consultants.—Frederick Law Olmsted of New York, Harland Bartholomew of St. Louis, and Charles Cheney of Los Angeles, have been retained by the traffic commission of the city and county of Los Angeles to act as a consulting board. This board of experts will review all street-opening and widening projects and then make a traffic street plan for metropolitan Los Angeles.

The employment of three of America's best known city planners promises well for the future of the California metropolis. The traffic commission is one of Los Angeles' most powerful civic organizations and is to be congratulated upon the wisdom shown in the selection of this board.

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The Bureau of Public Personnel Administration has begun the publication of *Public Personnel Studies*. Two numbers have been issued, both from the pen of Dr. L. L. Thurstone. The first is entitled A Comparative Study of Clerical Tests; and the second, Intelligence Tests in the Civil Service. The address of the Bureau is 26 Jackson Place, Washington, D. C.

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Annual Meeting of Political Science Association.—The nineteenth annual meeting of the American Political Science Association was held at Columbus, Ohio, December 27 to 29. A full program included papers on Cleveland's experience with proportional representation, comparable municipal statistics, problems in county government, and financial and administrative control in state government.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY ARCH MANDEL

Cincinnati and Hamilton County To Be Surveyed.—Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research, has been placed in charge of an investigation of the governments of the city of Cincinnati and Hamilton county, to be made by a citizens' committee, appointed by the Republican County Committee. This investigation will probably continue for four months and will engage the services of fifteen or twenty specialists in governmental fields. Dr. Upson has been granted a leave of absence for half time without pay by the trustees of the Detroit Bureau for the purpose of taking general charge of the work.

This investigation is one of the most unusual of its kind that has ever been made of an American city. Owing to criticisms, the Republican County Committee has invited a group of prominent citizens of Cincinnati to review all of the governmental units within the county and make public a report of their suggestions as to improving methods and of securing greater economy and efficiency in administration.

During the past few years the Detroit Bureau of Governmental Research has undertaken considerable work of this character, always being fully compensated for these tasks. Recently the Bureau has been jointly responsible for surveys of the government of the state of Ohio for the Joint Legislative Committee, and of the state of Virginia for the Governor; for the installation of budget procedure in the states of Virginia and South Carolina; for surveys and installations of procedure in the cities of Kalamazoo, Flint, Alma, certain suburbs of Pittsburgh, Manchester, N. H., and elsewhere.

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Harold W. Baker, engineer of the Rochester Bureau of Municipal Research since 1921, was appointed commissioner of public works of the city of Rochester. He assumed his new duties on January first. In making this appointment the mayor apparently shocked the politicians, but he is to be commended for making merit the basis of his selection. The selection of Mr. Baker is not only a tribute to him and to the standing of the Rochester Bureau in its community, but may be considered a compliment to the entire research group.

Apropos this appointment, the following statement, appearing in *All's Well*, Charles J. Finger's magazine, the successor to *Reedy's Mirror*, may be quoted: "Were I dictator, called on suddenly to choose a provisional committee endowed with autocratic powers to run the country, I think I'd hand matters over to these (municipal researchers) for a start." This statement reflects the opinion of Mr. Finger after he had what he called an "exhilarating experience" in meeting a number of members of the staff of the New York Bureau of Municipal Research.

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Ray W. Wilson, for two and a half years the accountant of the Kansas City Public Service Institute, resigned this position to become civic secretary of the Kansas City Chamber of Commerce. Jess Seaton is Mr. Wilson's successor.

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Jess M. Worley was added to the staff of the Kansas City Public Service Institute for membership and publicity work.

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R. P. Farley, one-time director of the Citizens Bureau of Winnipeg, is now connected with the Boston Dispensary, 25 Bennet Street.

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Luther Gulick and E. T. Paxton have completed the draft of the new constitution for the Governmental Research Association. In due time a copy will be sent to each member of the organization for comment and criticism.

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S. M. Chambers, after spending several months as publicity director for the Duluth Community Fund, resumed his former duties with the Taxpayers' League of St. Louis County, Minnesota, which are to visit prospective and actual members of the League and to tell them at first hand of the work of the organization. This method is apparently successful, for up to December 1, 1923, the League had 600 subscribers who contributed a total of $15,000. The budget of the League for the current year beginning August 1, is $20,000.

Membership in the League is based on a contribution of one per cent of the amount of taxes paid by any individual, firm or corporation. To determine the amount which subscribers should pay, the tax duplicates were reviewed and the name and amount of every taxpayer who paid in excess of $1,000 were listed. As soon as the larger taxpayers are secured as members, the League will make an effort to enlarge the support of the smaller taxpayers.

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W. E. Mosher of the National Institute of Public Administration is making a salary standardization study of county employes of Oneida county, New York.

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R. E. Miles, director of the Ohio Institute of Public Efficiency, was elected to fill the vacancy on the executive committee of the Governmental Research Association, caused by the resignation of Fred P. Gruenberg. Mr. Miles' selection came as a result of the recounting of the ballots submitted last June, when the members of the executive committee were chosen at the regular annual election.

◆

Jesse D. Burks resigned his position as director of the Bureau of Municipal Research of St. Louis. C. W. Atkins, a member of the staff, was promoted to succeed Dr. Burks.

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Leonard V. Harrison, formerly of the New York Bureau of Municipal Research, more recently attached to the staff of the General Educational Board, has been appointed secretary of the civic affairs department of the Indianapolis Chamber of Commerce, succeeding Mr. G. M. Shotwell.

The civic affairs department was formerly the Bureau of Municipal Research maintained by the Chamber.

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Gaylord C. Cummin, until recently associated with the Institute for Public Service of New York City, has established an independent office as civic consultant. Mr. Cummin will specialize in the New England field. His present address is 10 Wood Street, Concord, Mass., and it is expected that a Boston office will be opened shortly.

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Fred C. Gruenberg, for ten years staff member and later director of the Philadelphia Bureau and member of the executive committee of the Governmental Research Conference, has resigned his position with the Philadelphia organization to enter the banking field. His resignation is regretted not only by his local organization, but by all the members of the Governmental Research group, because Mr. Gruenberg's withdrawal from the field means the loss of one of its ablest men.

William C. Beyer is acting director until a permanent head is chosen.

◆

The National Institute of Public Administration is making a number of important studies in taxation for the New York State Legislative Committee on Taxation and Retrenchment. Among these are forest taxation which is being handled by Philip H. Cornick; taxation of insurance companies under the direction of A. E. Buck, and the question of interstate apportionment of taxes on public utilities by Luther Gulick.

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At the Citizenship School conducted by the New Jersey League of Women Voters in Newark, N. J., during November, the leading speakers were Raymond Moley, formerly of the Cleveland Foundation, now professor at Columbia University, Harold W. Dodds, Luther Gulick and Sedley H. Phinney.

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Dr. Charles A. Beard, who went to Japan as the representative of the National Institute of Public Administration and at the request of the Japanese Government to assist in reconstruction work, has returned to the United States.

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Bruce Smith has returned from Canada, where he has been in connection with a study of state police administration which the National Institute of Public Administration is making.

AMERICAN CIVIC ASSOCIATION NOTES

EDITED BY HARLEAN JAMES, SECRETARY

Report of the Washington Commitee on the Federal City.—On the evening of January 3, in the hall of the Cosmos Club, the Washington Committee on the Federal City met as a whole to adopt the preliminary report prepared by the various sub-committees on special subjects. After the formal adoption of the preliminary reports by the committee, Mr. Frederic A. Delano, chairman, presented the report to Mr. J. Horace McFarland, president of the American Civic Association.

The report is valuable, first, because of the information concerning the present situation which it contains, and, second, because of the recommendations which it makes to remedy existing evils. In the foreword Mr. Delano directs attention to the following basic considerations:

1. Just as the founders looked forward one hundred years in their planning, so we must look forward. Correcting past errors is expensive. Intelligent planning for the future is economy. Some machinery adequate for such planning should be set up.

2. This Federal City was set amidst hills and valleys that were notable for their trees and shrubbery of a remarkable variety. If that condition is to continue in the future, ample reservations for forests and parks should be made. Other cities in our country are far in advance of Washington in these respects.

In addition to the basic need for comprehensive and progressive planning, the Committee on Architecture and Its Relation to the Nation's Capital makes a plea for worthy architecture in public, private and semi-public buildings, through the extension of the work of the Architect's Advisory Council already in operation, through the proposed architect's registration law (Senate bill 933) and through representation of architects on various commissions. The Committee on Forest and Park Reserves advocates the passage of the proposed bill to provide for a comprehensive development of the park and playground system of the National Capital (S. 112, H. R. 49) as the best means of insuring the proper growth of the parks and playgrounds of the district to meet the needs of a rapidly growing community.

The Committee on School Sites and Playgrounds recommends the acquisition of school sites with ample playgrounds to provide for the near future, and lays special stress on the wisdom of acquiring school sites in advance of the population in those parts of the District not yet built up. The Committee points out the needs for play spaces for the children of different ages and for more extension sports fields and athletic grounds.

The Committee on Housing and Reservations for Future Housing recommends:

1. That as plans for future housing must depend upon and be co-ordinated with the work of zoning, park development, and city planning, it is desirable at the outset that there shall be a thorough co-operation of various interested committees, and that estimates be prepared of the amount of land still within the metropolitan district acceptable for housing purposes.

2. That a committee of representative buildings be invited to discuss the establishment of definite standards of construction, guaranteed perhaps by trade-mark such as those used by manufacturers in other lines; providing further, that only subscribers to these standards be permitted to use the trade-mark.

The Committee on Street, Highway and Transit Problems outlines the present situation and presents the following conclusions:

1. That changes such as suggested with some detail in the body of the report should be made as rapidly as the funds can be made available. Also that the details of a well co-ordinated future scheme of development must be worked out through technical studies continuously carried on by competent authorities; in other words, not only must we plan for existing contingencies, but we must plan for future needs.

2. The committee is convinced that the transit and traffic needs of the community have already outrun the provisions for meeting them, and there have not been sufficient appropriations in the past either to permit a thorough study of the situation or the timely execution of even such plans as have been adopted. It is therefore urged that the needs of the situation be brought to the attention of Congress with a view to action that will bring Washington's street, highway and transit facilities to a state of adequate and balanced development.

The Committee on Extensions of Metropolitan Washington beyond the District Line recommends the acquirement of the upper valley to protect the waters of Rock Creek. Similar protection of the streams of the Patapsco, the Potomac and Patuxent Rivers is recommended in connection with the development of a forest park system between Baltimore and Washington. It recommended that the banks of the Potomac from Alexandria to Great Falls be secured for park and forest reserves. The Committee recommends an initial appropriation for the construction of the proposed Memorial Bridge which will connect the Lincoln Memorial with Arlington. The Committee recommends that suitable approaches be provided at the Virginia entrance of the Francis Scott Key bridge which crosses the Potomac at Georgetown. Finally the Committee recommends the construction of a memorial road near the river from Washington to Mount Vernon.

The Committee on Water Front Development recommends congressional action directing a thorough study and report by competent officials of the development of the water front already owned by the government.

Copies of the Report may be secured from the office of the American Civic Association.

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London Also Seeking a Plan.—In the supplement of the November Journal of the London Society, whose aim is to "stimulate a wider concern for the beauty of the capital city, the preservation of its charms, and the careful consideration of its developments," the "Need of a Plan for London" is set forth.

> The vision of the region around London as a well-planned location of happy homes and a better working centre for millions of men and women grasps the imagination. A definite plan for its accomplishment may be only an ideal, but a people without ideals degenerates, which one with practical ideals is already on the road to attain them. . . . The unequal distribution of open spaces, playgrounds and parks, the congestion of streets, the misery of slum and tenement life and its repercussions upon each new generation, are an untold charge against our national life. Out cities do not produce their full contribution to the sinews of our life and character. The moral and social issues can only be solved by a new conception of city building.

The London Society is preparing "User" maps, of which examples are being exhibited. The Society states that the Zoning Plans will be published, if the cost does not prove prohibitive, and anyone who desires copies or who would like further information on the subject is requested to communicate with the Secretary, The London Society, 27 Abingdon Street S. W. 1.

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Portland, Oregon, to Have an Art Commission.—Under a recent law the city of Portland will have an art commission, consisting of the mayor and seven other members, one to be chosen from the Portland Art Association, one from the Portland Art Class, one from the Arts and Crafts Society, one from the School Art League, one from the American Society of Civil Engineers, one from the American Institute of Architects, and one to be a professional landscape architect. The commission "shall be advisory to the council in matters concerning works of art now owned or hereafter acquired by the City of Portland."

Portland has certainly taken an important step in the creation of this art commission. There are other steps which will no doubt follow in due time.

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Railroad Crossings.—The Municipal League of Harrisburg has issued an interesting folder on railroad crossings in Harrisburg. While the discussion is of local conditions, the principles apply to many other cities. City planners who are interested in methods of presenting the problem to the public may care to secure copies which are available at the office of the American Civic Association.

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Billboards on State Highways.—A law has recently gone into effect in Minnesota prohibiting billboards and other advertising signs on state highways. The state highway commission of Indiana by regulation prohibited billboards on the state highways, and after due notice confiscated such signs as had not been removed by the owners. In Maryland a bill is to be introduced into the next legislature to prohibit road signs along the state highways without permission of the road commissioner, since it is said by the state roads commissioner that the Maryland constitution would not permit a law similar to the Minnesota law. But the public opinion which demands protection from misleading road information and unsightly billboards is registering in many states. The Maryland state roads commissioner complains that incorrect mileage signs put up by advertisers are a nuisance. He calls attention to one famous sign, showing a picture of a traffic policeman holding a red flag with the words "Stop! Sharp curve ahead," placed at a point on the road where there is no sharp curve. Attention has been called before in these columns to the menace to safety which such advertising signs bring. It is next to impossible for a driver to pick out the true official warnings and road directions from a mass of advertising signs which seek to claim the attention by pretending to give road warnings and directions.

Now that the states are falling in line in abolition of billboards from state highways, we may well ask which will be the first state to prohibit billboards on private property adjoining the highways. The road sign confusion is not very great in the signs which do not encroach on the highway, but they do destroy the beauty of the landscape. Presumably a large proportion of the traffic on state highways these days is pleasure traffic. Pleasure traffic is drawn to regions where rivers, mountains, hills or meadows present unobstructed views. The day will come when it will be recognized as bad business on the part of the merchants in any locality to put a premium on the through traveler, since pleasure parties do not linger in regions made unsightly by the billboard.

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Zoning in Philadelphia.—On November 1, according to the bulletin, *Citizens' Business*, published by the Bureau of Municipal Research, the council of Philadelphia passed a resolution providing for the appointment by the president of the council of an advisory committee on zoning, to consist of one councilman from each of eight districts and representatives from a number of business and professional organizations. Seven years have passed since the mayor appointed the first zoning commission under an authority of a resolution of the council.

But the zoning ordinance which was drafted by this commission failed to pass the council before it went out of existence. In the meantime a new city charter had been adopted and a second commission was appointed. It drafted a zoning ordinance for the entire city and forwarded it to the mayor, but the committee of the council to which the ordinance was referred passed a motion to eliminate the area of the old city. The ordinance was returned to the zoning commission for revision and the commission, at the request of the council, submitted a zoning ordinance for West Philadelphia which was not reported out of committee.

Since the zoning problem was first taken up in Philadelphia, New York and Chicago have both passed comprehensive zoning laws. In fact it is easier to name the important cities which have not undertaken zoning regulations than it is to enumerate those which have been zoned. Many of the questions raised in 1916 have been satisfactorily answered by the experience of other cities, and certainly the bugaboo of the constitutionality of zoning has been definitely laid to rest by the Little Rock case which removed the principle of zoning from the meaning of the fourteenth amendment.

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Housing Conference in Philadelphia.—The National Housing Association, in co-operation with the American Construction Council, the Associated General Contractors of America, the American Federation of Labor, The United States Department of Labor, the United States Department of Commerce, the National Association of Builders' Exchanges, the National Conference on City Planning, the American Civic Association, the National Municipal League, and the U. S. League Local Building and Loan Associations, held a most interesting conference on December 5, 6 and 7. The conference may be said to have been called to "lift the blockade on housing." The "blurb" issued with the program made interesting reading:

> No houses are being built to-day for the workingman.
> Because to-day it costs from $5,000 to $8,000 to build a $3,000 house.
>
> The three factors in the situation are:
> The high cost of *Labor*, of *Materials*, of *Money*.
>
> Is Labor Profiteering?
> Should all workingmen get $25 a day like the plasterers?
>
> Are the bankers also profiteering?
> By charging premiums and commissions?
>
> Is there a combine to control prices of materials? . . .
>
> Learn how the banks can aid housing.
>
> Learn how costs of materials can be reduced.
> By new Processes, new Methods—by Standardization.
> By getting rid of obsolete Plumbing and Building Codes.
>
> Learn how the architect can reduce costs.
> By new ideas in designing houses.
>
> What is the way out?
>
> Who is to build for the Workingman?
> The Government? The Speculative Building? The Employer?

when completed will give tremendous relief in going from the North Side to the West Side without passing through the heart of the city. In that original plan you will find portrayed a great half-circle avenue, which should be revived and re-studied and re-located farther out, because it cannot be put now where it was originally contemplated.

INDIVIDUALITY OF CITIES

I want to emphasize the importance here and elsewhere of individuality and originality in planning. Even if there were some formula for building cities, it would be a great pity if all cities were alike, or identical. The English town planner, Mr. Raymond Unwin, shows how much would be lost if every plan were compelled to conform to some standard or Procrustean bed. Chicago has particular reason for wanting to carry out its plans to be different from other cities. We have not great hills and ravines in the city, we have a great flat plain.

In the surrounding territory we have a much more rugged country, and there we can take advantage of that character of topography, but in Chicago we have a lake front and a river of which we should make the most. I believe we could accomplish much with our Chicago River if we adopted the principle of fixed bridges with adequate clearance for traffic. Chicago is losing a tremendous opportunity in not putting fixed bridges across the river.

I suppose if the city were almost unanimous in favor of such a proposal, it would take at least ten years, with the inevitable inertia, red tape and other difficulties that you would have to cut through, to carry it out, hence I believe it is worth while mentioning it here so that the ten years will begin running from to-day.

THE BRIDGES OF LONDON AND PARIS

In the Old World in London and Paris, created long before the days of the railroads and when their dependence was mainly on water transportation, it was long ago decided that the Seine River or the Thames River could not be allowed to cut these cities in two, and we cannot afford to let this little Chicago River cut us into three parts when we could make it far more useful and much more beautiful and interesting by bridging it. We would still use it for the distribution of freight by barges just as is done on the Thames and Seine and other rivers. The total tonnage of the Chicago River is something like five thousand tons per day—one good-sized freight train! I can hardly believe that people would tolerate having the costly, ugly swinging bridges or even bascule bridges, interrupting traffic and costly to operate, to accommodate that small volume of business which could be handled.

I congratulate you in Chicago on what you have already accomplished. If it is true that "a work well begun is half done," you have certainly made fine progress. Furthermore, in looking over the prospectus your committee has drawn for the regional plan of the Chicago district, I see nothing to criticize and little to suggest.

THE NEW YORK ENVIRONS PLAN

The mantle of my beloved and our beloved friend, Charles Norton, fell onto my shoulders last March. Norton, who was one of the most far-seeing, far-visioned men that I ever met and at the same time courageous beyond belief, undertook this job in New York two years ago. Certainly if he had not undertaken it I do not believe I could carry it on, but because he undertook it and because at the moment there was no obvious person to step into his shoes, I saw I must carry on.

our six hundred-foot square blocks in the city of Chicago—and we have blocks of that size—an office building as big as may be built with proper air and light. If we went to fifty stories, we could house sixty thousand men and women in that building. Even with the Chicago limit of twenty to twenty-one stories we could house twenty-five thousand people. Carrying out this basis of 210 feet to the cornice line in Chicago for the central square mile usually known as the Loop district, we would have a central population—a day population, you might call it—of a million, two hundred and fifty thousand people, all of whom must sleep and live outside of this area and be transported back and forth every night and morning. If the area surrounding this central congested zone were a wide strip of parks and playgrounds, it might not be so bad, but if surrounding this highly developed area we have squalor, dilapidated houses, buildings and property, which, though near the city's center, is worth less than half the assessed value, we have certainly food for thought.

LAYERS OF STREETS

Evidently, either Christopher Wren was wrong in his idea of the scale of houses, or we are wrong. But surely we cannot be right in making our buildings twice, three times, four times and five times the width of our streets, for we at once admit our mistake by putting a second and a third supplemental story upon our streets. We fool ourselves somewhat in doing this. In New York they put the second level under the street and then sometimes over the street, so that they have already gone to three levels there, and on one or two streets to four and five levels.

This appears to be a confession that the building is out of scale with the street, that is, speaking of a street as a one-story affair, when we are forced to put all these supplemental galleries below and above ground.

ZONING REGULATIONS

I would like to call your attention to an article which is reprinted in the *Literary Digest* for October 20, 1923. This article originally appeared in the *Electrical World* and was written by a Mr. William M. Carpenter of New York, an electrical engineer, who calls attention to a fact more or less familiar to all of us, but he illustrates it. He takes the State of New York and shows by heavy black lines where the population is increasing, by a light shaded color where the population is stationary, and in plain white the part of the State where the population is diminishing and has diminished for two decades. The surprising thing is—and I think you will find it the same in Illinois or any of our States—that the larger cities like New York, Utica, Syracuse, Rochester, Buffalo, and two or three smaller cities show increases, but all of the rest of the State, with very few exceptions, shows a diminishing population.

RADIATING AVENUES AND BY-PASS CONNECTIONS

In the original studies which were submitted for the plan of Chicago, in the year 1909, we did not ignore the question of regional planning. That plan illustrated the many radiating routes that already existed and showed how necessary these were to the development of the city. Many of these radiating avenues were the original roads laid out by the early settlers and traders. It is natural that concentration should come first, but after it we must relieve concentration and the consequent congestion by decentralizing and by-passing the traffic around points of congestion. Ogden Avenue proportioned, and placed in an ideal position on the brow of a hill overlooking the city—imagine that same Capitol building down on Wabash Avenue Chicago, fronting the elevated railroad. What would it look like? The question of scale and environment must be considered.

Christopher Wrenn, whose bi-centennial is being celebrated this year, said that a building should be no higher than one-half of the width of the street. True, in Christopher Wrenn's time there were no elevators; dependence was upon stairs entirely. To this day those sturdy Englishmen have held down their great cities to very moderate heights. I can remember that our own Daniel Burnham used to say with a great deal of force that scale was the whole thing, the whole question in the proportion and design of buildings.

Another Chicago man, a man who has passed on to the other side, Frederick Greeley, an engineer, and a man of wonderful spirit, humor, and charm, in a very delightful paper he once read before the Literary Club, illustrated Alpine climbing on the shores of Lake Michigan, not far from Chicago. He had made a lot of little manikins, little dolls dressed up as Alpine climbers, with Alpine stocks, placed them on the bluffs close to the Lake at Winnetka and photographed them, and for all the world you would have believed that these were sturdy mountaineers climbing the Alps or the Rocky Mountains. He went to immense pains to illustrate the importance of *scale.*

TRANSPORTATION AND CONCENTRATION

The question of transportation facilities, the convenience of the public and comfort must also be considered in connection with these skyscrapers; also matters of exaggerated values due to overconcentration.

In New York, we have made some studies of real estate values for a period of twenty or more years, illustrating them graphically. Taking a cross-section of Manhattan Island, the values in the center part, alongside of Broadway and especially near Wall Street, have steadily mounted just as the height of buildings has mounted. On the edges and fringes of these arms one finds still the squalid houses that were there twenty and thirty years ago. The values are still about the same, and in some cases even lower.

You will find that same thing in Chicago. Indeed, I know from my own knowledge that within two blocks of the Loop you can find property which is worth less to-day than it was twenty years ago. You can find property which would not sell for one-half of what it is assessed. That is not a healthy condition.

These problems are brought about by new conditions, and it is not to be supposed that still newer conditions will not develop. We know that the automobile has created new difficulties, and just so the auto bus, and the motor truck. We know that presently the greater use of the airships and aeroplanes are certain to affect our whole city planning. Some planners tell us that it will be necessary to lay out landing fields. Perhaps we shall have to work out a plan by which the landing can be done on the flat tops of our buildings, which would make it necessary to adopt some standards of uniform roof levels.

HEIGHT OF BUILDINGS

In New York, although a zoning law has been adopted, there is no limit to heights. True, there is a limit in the cornice level and there is a limit in the angle at which the building may retreat, but those limits are so high that they appear to me to be of little value.

Suppose we should put upon one of

REGIONAL PLANNING NEXT![1]

BY FREDERIC A. DELANO

The greatest enterprise in regional planning is that relating to New York and its environs, and here Mr. Delano offers some reflections upon this and similar tasks and the new technique that must be worked out for them. :: :: :: :: :: :: :: :: ::

THERE is necessarily a close relation between city planning and regional planning. They must go hand in hand; one supplements the other. *City Planning*, especially in large cities, sometimes involves tremendous expenditures. It may be described as a big job of replanning and reconstruction. It means correcting past errors; changing things to meet new and unexpected conditions. A notable example of city planning was that undertaken in Paris in 1859 under the leadership of the Emperor, Napoleon III, and under the strong hand of Baron Haussmann.

Regional Planning, on the other hand, is planning for the future in the suburbs and the open country. This is the sort of planning that has been carried on so successfully in Europe. In England it is recognized that a great city like London cannot be changed very much; and the most that can be done is to ameliorate the crowded conditions by creating satellite cities in the surrounding country, which will be self-sustaining in the true sense that they will be complete, well-rounded cities and not simply dormitories for the neighboring great metropolis. Opinions differ as to the range of comfortable size, but I find quite general the opinion that a satellite city should not exceed forty or fifty thousand inhabitants.

SKYSCRAPERS AND THEIR PROBLEMS

Chicago has taken an important part in the creating of city planning problems. It was in Chicago that the steel frame building was originally designed and developed, a construction where the steel frame supported the walls instead of the walls supporting the building. It was in Chicago that the rapidly-moving elevator was developed, and those two inventions made the skyscraper possible.

And yet I do not condemn the architect of the skyscraper. I confess that I do not wonder at the very justifiable pride which a man who produces such a monument as the Woolworth Building, must feel, but I say this, that the city planner must study, and put before the public the results of these skyscrapers; the difficulties which they present, the remedies which they forthwith require.

SCALE

We must consider, for example, some of these questions: first, the scale; the relation of the size and proportion of each building to its environment, to the width of the street. Imagine, for instance, the Capitol at Washington—a building beautiful in itself, splendidly bureaus in other cities are provided with such an inspection force, and those that are not stressed the need of providing for such service.

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[1] Address at the inauguration of the Chicago Regional Planning Association, November 2, 1923. Contributed by American Civic Association.

The Purchasing Agent of Dayton has developed important savings in his stationery and printing bills by the establishment of a multigraphing plant for the printing of many of the notices and office forms used by the City. The writer recalls that this procedure was also introduced in Los Angeles County about ten years ago, and was declared to be highly successful. The Dayton department has also a unique and extremely practicable form for keeping track of, and ordering, the hundreds of printed forms that his office must, from time to time, go into the market for.

The reported experiences of municipalities indicates that the policy of establishing municipal stores and warehouses, and the extension of these, is something that should be approached with a great deal of caution. There is unanimous agreement as to the desirability of maintaining store stocks of office supplies, stationery, school supplies, and a few other classes of material. There is also unanimity as to the need and desirability of a revolving fund, expendable by the Purchaser, for the quantity purchasing of miscellaneous commodities on which savings can be made if the Purchaser is in position to avail himself of bargains or especially favorable conditions that are continually coming to his notice. The experience of some cities, where unwise extension of store stocks has resulted in extra and unnecessary handling charges, shrinkage, and "quantity consumption" as a result of quantity buying, indicates the necessity of care and forethought in the establishment of stores and store stocks.

The new Bureau of Supplies in San Francisco had to take over the complete buying operations of the City, from the date of the initial organization of the Bureau. The necessity for the uninterrupted carrying on of municipal activities would not, and will not, permit of the usual orderly procedure of birth, baptism and slow growth—like Adam, the Bureau had to assume man-size upon creation. Permanent organization and the ultimate purchasing procedure cannot be determined upon in these early months, and to bring these about before the end of this calendar year will represent a tremendous task.

The Bureau is now operating on a budget of approximately $25,000 a year, which will probably have to be increased as the organization grows into the full requirements for properly handling the task of purchasing and checking the City's materials, supplies and equipment. It is estimated that the former decentralized purchasing procedure cost approximately $80,000 per year for personal services assignable to purchasing. It should be encouraging to all who believe in centralized, businesslike purchasing, to know that, in spite of unavoidable early difficulties incidental to organizing and establishing procedure, the new Bureau has more than paid from the start.

A saving of $1 a ton on coal; 95 cents apiece on pillows; $6 a ton on hay; $8,000 on books; fresh fruits and vegetables, *delivered*, at lower than wholesale prices; $2.17 per hundredweight on sugar; $7.50 a dozen on picks—the list of savings might be extended indefinitely. A local writer recently estimated a saving of $50,000 to the City on the first month's operation of the new Bureau. San Francisco, formerly years behind the other large cities of the country in its municipal purchasing procedure, will soon be in position to serve as a model for all.

only proof required of "responsibility" was the filing of the necessary certified check with a bid. Under the new procedure, the City is not forced to accept the lowest bid; it is specifically provided that in making awards, quality and delivery shall be considered. If other than the lowest bid is accepted, the reason for such action must be filed by the Purchaser, in writing, with the Auditor. The principal purpose in thus requiring a formal statement of the reason for accepting other than the lowest bid, was to protect the Purchaser in actions taken in the proper performance of his duty—which, in city affairs, are more likely to be unfairly criticized than in similar operations in private business.

Under the old system there were complaints of inferior commodities furnished, under contracts which had been awarded on the basis of grades or samples, and also complaints of bidders, who, by filing qualifying statements with their bids, were able, in effect, to change the specifications on which bids were presumed to be based. This latter practice is prohibited under the new procedure. The first mentioned practice has been attacked by requiring adequate specifications and by placing responsibility squarely on the Purchaser for prescribing adequate tests of deliveries.

It was also provided that dealers who violate their contracts—the particular thought being by the delivery of inferior goods—may be declared "irresponsible" by the Purchaser, and thus automatically barred from city business for one year, unless the Board of Supervisors, by a two-thirds vote, removes the disqualification. In industrial purchasing, irresponsible or dishonest vendors are disqualified by the simple expedient of giving them no more business. In city purchasing such a solution is not so easily applied. With the greater open market purchasing power vested in the Purchaser, and the authority to penalize unscrupulous vendors, it is confidently expected that this cause of complaint will be permanently corrected.

One general reaction of the survey of purchasing procedure in other large cities is that municipal purchasing officials are still too prone to believe that they are purchasing efficiently by simply going through the mechanics of advertising for bids and awarding contracts. This, of course, is only one, and not the most important one, of their responsibilities.

The systems in operation in the cities of Detroit, Philadelphia and Dayton were most impressive, on the basis of the superficial analysis to which the writer was limited. The Detroit system is a model of orderly efficiency; the Purchasing Agent in that city, the fourth largest in the country, with an annual buying power of $15,000,000, is seriously restricted, however, by a $500 limitation on open market purchasing. He is also restricted by lack of provision for emergency purchasing, which may, on occasion, seriously interfere with the proper conduct of city business. The City of Philadelphia has developed specifications, inspection and tests, to an extraordinarily minute degree. The Purchasing Department in that city is also required to maintain a considerable bookkeeping force to handle books, records and accounts incidental to the encumbrance of funds and the accounting control of purchase orders.

It was found to be the almost unanimous opinion of municipal purchasing agents that inspectors, as agents of the Purchaser and as employees of the Purchasing Department, are essential to insure a proper check on quality, and, in some cases, quantity, of delivery. Several of the purchasing

Supplies are rather unique in the municipal purchasing field. All too often the proper powers that should be delegated to municipal officials are restricted by law—probably with the thought that should an improper official be appointed or elected, he will not be free to misuse his office in his selfish or personal interest. The result is that the average official, when placed in office, finds himself hampered, and is not free to exercise even ordinary business ability in the conduct of such office.

This has been avoided, to a considerable extent, although not entirely, in the specification of powers, duties and responsibilities imposed on the local Purchaser. Mr. Russell Forbes, head of the Research Department of the National Association of Purchasing Agents, stated in a recent communication:

> Under the terms of this (San Francisco) law, the purchaser of supplies is granted powers and prerogatives commensurate with those granted to purchasing agents in industrial corporations and greater power by far than that enjoyed by the municipal purchasing agent in most cities which have come under our observation.

A striking weakness in the ordinance is the lack of any provision for the accounting control of purchasing orders. This, however, is a fiscal-control and accounting weakness, rather than a purchasing defect. Temporary procedure to provide for accounting control was written in the ordinance as drafted, but was stricken out in committee. Assurance has been given that this and other minor defects will be remedied in the near future by an amendatory ordinance.

No attempt will be made to analyze the San Francisco purchasing ordinance in detail, but it might be of interest to touch upon some of the more important changes that the ordinance has brought about. To begin with, purchasing power, previously scattered among seven city departments, has been centralized in the new Bureau of Supplies. Responsibility for efficient purchasing, for following market conditions, and for organizing the City's $4,000,000 purchasing power on a businesslike basis, is vested in a Purchaser of Supplies, who heads the new Bureau. This takes over the purchasing duties previously exercised by the Supplies Committee of the Board of Supervisors, a clerical force which previously functioned under the Supplies Committee, and the various clerks in the several departments who acted as purchasers for their individual departments.

Under the old procedure the City was practically restricted to purchasing on the basis of annual contracts, except for requisitions amounting to less than $200, and excepting also "patented or proprietary articles." The new procedure authorizes the Purchaser to buy in the open market, up to $1,000, and for fresh fruits and vegetables, or in certain cases of emergency, to buy in the open market where the amount involved exceeds $1,000.

Formerly, responsibility was not fixed for providing proper specifications and for the standardization of articles according to the use to which they were to be put. The latter will be recognized by all purchasing agents as one of the most effective means of economizing in any organization's supply bill. Under present procedure the Purchaser is required to co-operate with departments to bring about standardization, and he is made responsible for seeing that adequate specifications are provided.

Under the old legal basis for city purchasing, awards had to be made to the "lowest responsible bidder." According to the legal interpretation, the

the fund provided by the fees established by law (66 Cal. Dec. 423). The effect of these decisions was to maintain the special funds theretofore established by the legislature until they should be changed by further enactment.

On October 24, the court handed down its decision in the last of the cases affecting the budget law. This was brought by the state superintendent of public instruction challenging the validity of the governor's veto of a special provision of the budget setting aside one per cent of the appropriations for salaries and expenses of the teachers' colleges to be expended for the general administrative office under the state superintendent. The governor struck out this provision on the ground that the superintendent's office was amply provided for in the direct allowance made by the budget. The suit was brought on the contention that the provision was not an appropriation, but merely a transfer of funds already appropriated and therefore not subject to such veto. The court held that the act of the legislature was an attempt by indirection to defeat the purpose of the budget amendment by making an appropriation in such form that it would not be subject to veto. The court decided that the governor had full power to eliminate the provision.

The budget amendment has therefore passed the legal rocks and has been declared by the final authority to mean what its authors intended it should mean. Whether it will bring the advantages hoped from it depends on the wisdom of the electors in selecting the right kind of governor. In any event the people will know where to place the responsibility for results.

MODERN PURCHASING STARTS WELL IN SAN FRANCISCO

BY WILLIAM H. NANRY

Director, San Francisco Bureau of Governmental Research

Municipal purchasing agents do not usually enjoy large powers and responsibilities that as a detail of good organization and as a necessary measure to secure results are vested in purchasing agents with private concerns. :: :: :: :: :: :: :: :: ::

THE San Francisco Bureau of Governmental Research participated in the preparation of the ordinance which, last July 1st, established the new purchasing procedure for the City and County of San Francisco. Subsequently, a number of large cities were visited by the writer, for the purpose of securing detailed information of forms and procedure used in the purchasing systems of those cities, this information being desired by the local Purchaser of Supplies as a basis for formulating the permanent procedure of the San Francisco Bureau of Supplies.

The powers and responsibilities vested in the local Purchaser of were able to bring about a lively public discussion. Their protests were directed not only at the specific items reduced or eliminated by the governor, but at the whole policy of the executive budget. Thus, the measure that had gone before the electors with such general approval that no one could be found to write the opposing argument for the state publicity pamphlet in the election campaign was now vigorously denounced as an injury to the state service.

A thirty-day recess of the state legislature followed the introduction of the budget and in this period the discussion in the press and on the platform was heated. When the legislature reassembled the budget became the storm center of the session for several weeks, and was finally passed with a number of changes. Some of these changes were approved by the governor; the remainder were vetoed. The vetoes were sustained.

SUPREME COURT SUSTAINS EXECUTIVE BUDGET

The new budget went into effect on the beginning of the fiscal year, July 1, and was at once challenged in five different suits to test its effect. The first suit to be decided was based upon the contention that the budget amendment, by implication, repealed the provision for special funds established for various offices from special sources of income. The immediate case was that of the railroad commission of California against the controller of the state, regarding the disposition of moneys collected by the commission and held in a special fund in accordance with the public utilities act as amended in 1915. The supreme court decided on September 14, 1923, that the budget amendment does not, either directly or by implication, repeal valid existing appropriations theretofore made; and that until the legislature enacted otherwise the special funds continued as before. The court also decided that the budget bill as enacted provided the maximum amounts that could be expended for any item. If appropriations for such purposes had theretofore been made out of special funds, such special funds must first be expended. If the amount appropriated by the budget bill exceeds this sum of money, the difference between the amount in the special fund and the amount set out in the budget bill is all that may be taken from the general fund. The contention that the amount in the special fund might be expended in addition to the amount appropriated in the budget bill was swept aside.

On September 21, 1923, the supreme court handed down its second decision in the case of *Keiser* v. *State Board of Control* (66 Cal. Dec. 403). The legislature had provided in 1919 that the moneys received by the real estate commissioner were appropriated for use by the office, and all expenditures of this office should be met from said fund. The budget bill of 1923 expressly provided that the statute of 1919 should remain in full force and effect, and appropriations for salaries and other expenses should be paid out of the real estate commissioner's fund. The supreme court held that this provision was valid. A similar decision was made the same day in regard to the state board of health's special fund made up of fees paid for examination and registration of nurses. (*Jamme* v. *Riley*, 66 Cal. Dec. 405). The court held that the special fund remained intact and should be used for the salaries and traveling expenses in connection with the examination and registration of nurses. On September 27, 1923, a similar decision supported the payment of salaries of the state board of osteopathic examiners out of the objections that had brought about the defeat of the amendment of 1917. The first efforts of the section were along the lines of the Massachusetts budget amendment, and an adaptation of this amendment was introduced in the legislature of 1919. The measure, however, received no support from the legislature and it was evident that no provision for a budget that would lessen the powers of the legislature would receive the approval of that body. As it would take two-thirds of the members of both houses to submit such a proposition, the section on public budgets recommended that any budget amendment enlarging the power of the executive should be presented to the people directly by initiative petition, as no legislature would favor the curtailment of its own power. A draft of the amendment establishing the executive budget was then prepared, founded on the Maryland and Massachusetts provisions, with several features devised by the section itself.

Petitions were immediately circulated for submission of this amendment to the electors and a sufficient number of signatures being secured, the amendment was placed on the ballot, and at the election of November, 1922, was carried by the large majority hereinbefore set forth.

WHAT THE NEW SYSTEM DOES

The amendment gives the sanction of law to the state budget system, fixes on the governor the responsibility for preparing the budget, calls for a detailed statement of the expenditures and anticipated revenues of the state, and gives the budget bill the right of way over all appropriation bills except emergency measures or bills appropriating money for the expenses of the senate and assembly. While it did not interfere with the right of the legislature to amend any item in the budget by majority vote, it gave the governor the power to reduce as well as to eliminate any item of appropriation. A two-thirds majority is required to overrule the governor.

One of the evils developed in the partial budget system heretofore in force, was the custom of holding back the general appropriation bill until the last days of the session after all special appropriations had been made. This prevented detailed consideration of the bill by the legislature, and allowed all manner of appropriations to be made without knowledge of the financial condition of the funds out of which they should be met. The budget amendment requires the governor to place the budget bill before the legislature within the first thirty days of the session and allows no special appropriations to be made until after the budget bill is enacted.

THE ATTACK OPENS UP

The legislative session that opened January, 1923, therefore, found itself bound by the new budget system, and the limitation on its right of appropriation of moneys was strongly resented by the legislators.

Governor Richardson, the new executive, had made his campaign on the pledge of cutting the state's expenses in certain directions, and when his budget was presented it showed reductions or eliminations of appropriations for many of the offices of the state government estimated by the governor to be $10,000,000. The opponents of the governor contend that the savings on these items are much smaller than the governor's estimates and that the real expenses of the state have increased. The officers and employees affected by these reductions were naturally hostile to the reductions, and with those legislators who were hostile to the administration

THE EXECUTIVE BUDGET WINS IN CALIFORNIA

BY E. A. WALCOTT

Executive Secretary, Commonwealth Club of California

California's new budget system has come through a stormy period and now may be regarded as the settled policy of the state. :: ::

ADOPTED as a part of the constitution in 1922 by the great vote of 451,074 to 183,147, California's budget amendment fell into the political turmoil that followed the election of a new administration. The elements that had opposed the incoming governor in the campaign, the enemies he accumulated in the legislative session, and the officers and employees adversely affected by his efforts to reduce certain lines of expenditures, united in criticizing the budget system that had given power as well as responsibility to the executive, and made a determined effort in the legislature and the courts to nullify several important provisions of the constitutional amendment. With the filing on October 24, 1923, of the last of five decisions of the highest court of the state determining the questions raised regarding the budget of 1923, the executive budget is firmly established.

The movement toward an executive budget for California began in 1911. In this year the state board of control was made the fiscal representative of the governor. Without direct legislative authority this board undertook the preparation of the general appropriation bill. This bill, introduced through the ways and means committee of the assembly, and the finance committee of the senate, was defended before the legislature by the members of the state board of control, and was usually accepted in its general features by the legislature. This system, however, had several disadvantages. One was that it covered only a part of the state's expenses. Most important was the fact that it depended for its continuance not on the law or the constitution, but on the force of the governor and the acquiescence of the legislators. The legislature of 1917 saw an attempt to write the system into the constitution. An amendment was offered the electors providing for the introduction of a budget in the state legislature not later than the twentieth day of the session, framed by the state board of control, the state controller, and the lieutenant governor. This was submitted to the electors of 1918 and vigorously opposed on the ground of the divided authority conferred by the amendment and the lack of control of the financial policy by the executive. It was defeated by a vote of 261,311 against, to 96,820 for.

EXECUTIVE BUDGET ADOPTED THROUGH THE INITIATIVE

The Commonwealth Club of California then requested its section on public budgets to prepare the text of a constitutional amendment that should establish an executive budget free from

General public interest in the campaign, which was characterized by vituperative, demagogic attacks on the Good Government Association and the Public School Association, was slight. The weather on election day, however, was good, so that 42.2 per cent of the registered vote turned out as against 29.5 per cent in 1922. The Democratic committee endorsees won two seats in the council and one in the school committee.

The reaction from this deliberate violation of the spirit of the nonpartisan election provision of the charter was the reverse of what the advocates of party designations seemed to expect. The election campaign showed that restoring party designations would at once give control of the city government to the Democratic machine and, since Boston is at least 60 per cent Democratic, this control would be practically permanent. The standing of the Democratic committee leaders and the standards they used during the campaign were such as to lead inevitably to the conclusion that a restoration of party designations would mean "gang" rule for a long time to come.

When the commission reported on January 9 it was unanimously in favor of biennial elections for the whole council and school committee in November of the odd-numbered years, leaving the school committee otherwise unchanged, and of a few minor administrative changes. A large majority were in favor of keeping the mayor's term at four years, retaining the Finance Commission, and against any recall provision. Eight members signed the statement opposing the restoration of party designations, but one of them did so only in order to be more certain of carrying the majority plan for changing the method of electing the council.

Eight members favored a compromise plan which would increase the number of councillors to fifteen, three of whom would be elected from each of five boroughs by the plurality system. One member favored keeping the present number of nine elected at large. Two favored the borough plan only if combined with proportional representation.

The position of the commission as a whole on proportional representation was interesting. Two members were flatly in favor of its immediate adoption, three others signed a statement that they believe the system is sound, but are convinced the people must be educated to it. They point out that Cleveland has just adopted the plan and that after it has had a year or two of trial there, Boston will be in a better position to judge of its merits. At least four other members are known to have been impressed by the soundness of proportional representation.

The majority recommendations are clearly conservative. The minority divides into two parts, one, the reactionary, in favor of a return to a ward council, party designations and primaries, the other, the progressive, in favor of proportional representation. It is clear already that the contest between the advocates of the different methods of choosing the council will continue in the legislature with the result doubtful. The other recommendations of the commission will probably be adopted. The outstanding facts in the whole report are the emphatic vindication of the Charter Association's general position that the present charter is a very well-drawn, efficient frame of government which needs only a few minor changes, and the progress made by the proportional representation plan.

pressed themselves stoutly in favor of the present document in all its main features. The civic organizations led by the Boston Charter Association, the Chamber of Commerce, and the League of Women Voters did likewise, except as to the method of election. The Central Labor Union did not appear officially at any of the hearings, so that its views on the charter are unknown.

The consensus of the opinions expressed by these individuals and organizations showed strong opposition to a reduction in the length of the mayor's term; to the abolition of the Finance Commission, to the restoration of party designations in city elections and to the election of either the school committee or council from wards or small districts. They were in favor of changing the election date from mid-December to the usual November date (now opened for municipal elections in the odd-numbered years by the adoption of biennial state elections); reducing the terms of councillors and school committee men from three to two years and electing all members of each body at once instead of by the present partial renewal plan. There was some sentiment in favor of a slight increase in the size of the council, but the most significant development of these hearings was that the Charter Association, the Chamber of Commerce and the League of Women Voters all vigorously advocated the adoption of proportional representation as the best method of electing the council and school committee.

When the commission began its executive sessions, it became clear at once that, while there was hope of substantial agreement upon many points, in regard to the council and party designations, there were strong differences of opinion. By this time the municipal election campaign had begun and some of the advocates of party designations in the city decided to use the opportunity thus presented to show their strength.

The Democratic city committee decided that it would endorse candidates for the city council and school committee on a partisan basis for the first time since the present charter became effective in 1910. The Republican city committee took no action. There were four candidates for two school committee seats, all Democrats, and seven for the three council vacancies, one of whom was a Republican, one had no party enrollment, and the other five Democrats. Soon after the campaign began the Public School Association, a long established, non-partisan body, announced its support of two school committee candidates. The attitude of the non-partisan Good Government Association was unknown in regard to council candidates, when the Democratic committee invited all the council candidates except the lone Republican to a meeting. There the candidates for the council were asked to repudiate the Good Government Association's endorsement in advance as a prerequisite to obtaining the Democratic committee endorsement. Two of the Democrats flatly refused to do so and were passed over by the committee in favor of the unenrolled candidate, and the fifth Democrat withdrew. The Democratic committee also endorsed the two school committee candidates not favored by the Public School Association. The Good Government Association re-endorsed two retiring members of the council. One was the sole Republican running and the other, one of the Democrats who refused to yield to the conditions of the Democratic committee. The Association also spoke well of the other man who had refused to repudiate its endorsement.

NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 3 MARCH, 1924 TOTAL No. 93

BOSTON LOOKS OVER ITS CHARTER

BY GEORGE H. McCAFFREY
Secretary, Boston Charter Association

The recommendations of the Boston Charter Commission are decidedly conservative and as a whole are an endorsement of the present strong mayor type of charter. :: :: :: :: :: :: ::

In 1910 Boston adopted the first charter of a highly concentrated type of government which was soon afterward imitated by Pittsburgh, Detroit, Cleveland and Los Angeles. It provided a four-year term for mayor with complete appointive power and a council of nine and a school committee of five elected at large about one-third at a time in rotation on a non-partisan ballot.

In 1923 in response to various demands the charter commission was created by law consisting of thirteen members, four appointed by the governor, two by the Mayor of Boston, two by the President of the State Senate and five by the Speaker of the State House of Representatives. The commission elected the Hon. Wellington Wells, Republican floor leader in the Senate, chairman, and Thomas C. Carens, an able newspaper reporter, secretary. It held public hearings last July and October, and frequent executive sessions thereafter.

At the July hearings, the commission received many radical proposals which were generally unrelated to each other and had no substantial support. In October, however, the interest was broader and the leading civic organizations presented their views. The main points under discussion were reducing the mayor's term from four to two years; restoring a recall provision for the mayor; changing the date of election, length of term, size, and method of electing the city council and school committee; restoring national party designations in municipal elections; and abolishing the Boston Finance Commission, a permanent municipal research bureau supported from the city treasury and invested with quasi-judicial powers of investigation.

There was little or no criticism of the present division of powers between the mayor and city council and of the administrative organization under the charter.

In October Ex-Mayors Matthews and Peters and Mayor Curley ex-

Norton, who had lived in New York some ten years, carrying with him the ideas and experience he had had here with the Chicago Plan, felt more and more strongly that something ought to be done in New York, and yet he realized how difficult a situation it was. He saw it in a bigger way than he had ever seen the Chicago Plan. He saw that when it was undertaken in New York it must be undertaken as a regional proposition, and he cut out for himself the undertaking with a radius of fifty miles from the Manhattan City Hall. In that radius, thanks to the Atlantic Ocean, we have only about six thousand square miles, but we have over nine million people—a population greater than the Dominion of Canada.

A CITY IN FETTERS

As a Frenchman who recently made a reconnaissance of the situation for us said, the one trouble with New York is that "*it is a city in fetters.*" It cannot grow naturally, and that in truth is the great difficulty. In Manhattan Island, for example, we have two million people; less than were living there twenty years ago, but that does not mean that the grass has already begun to grow in the streets of New York. For even though only two million people live there, there are close to four million people in addition who visit it every morning and leave every evening. Now, that problem of transportation alone is very great. The fetters that this Frenchman saw are the facts that on the West Side is the Hudson River, and it costs anywhere from a hundred to a hundred and fifty million dollars to cross that river with an adequate tunnel or bridge. Indeed, nobody has yet compassed the job of putting a bridge across it, but there are now plans made for two and a vehicular tunnel is being driven. The East River on the east costs thirty to fifty million dollars to cross. The Harlem River on the north costs say ten million to cross, and there they have this same foolish idea that we have in Chicago, that they have got to have swing bridges, which greatly handicaps the situation.

THE SAGE FOUNDATION

Norton appreciated so fully the great difficulties of the problem that he presented the matter to the Trustees of the Russell Sage Foundation, arguing that under the will of Mrs. Sage it was required that one-fourth of the income should be spent for the welfare of the people of New York City, and Norton urged his co-trustees that in no way could the wishes of the donor be better served than in making a thorough study of the question of planning. He finally induced the Trustees to say that they would allocate half a million dollars to the undertaking, an amount to be spread over a period of five years.

THE COST IN MONEY AND MEN

But this is what we have found. When we started the plan of Chicago, Norton estimated that we could do a good deal with thirty thousand dollars. When the thirty thousand dollars had been spent more money was asked for, and after about two or three years we had spent something like three hundred thousand dollars, which was all put up by public-spirited citizens, mostly of the Commercial Club. Mr. Burnham himself not only gave his own time but contributed ten thousand dollars to the work. Now the advantage of having men put in their own money and time in an enterprise is that we never had any trouble getting earnest and efficient work from the men on the committee. There was not any disposition to sit back and "Let George do it."

In New York we are finding in undertaking this work, with the Sage Foundation back of us, that the same amount of money does not go nearly as far as it did when the men who were interested in the work were contributing to it. Seemingly, it is a good deal like Government work. We notice the same deadening effect. And you all know when the Government undertakes a thing it always costs several times as much as if a private individual did it. I wish it were not so.

FOUR SURVEYS

In order to convince the Knickerbockers that a regional plan is needed, four important surveys were set up. First, a survey of the physical, actual conditions of the city. This was under Mr. Nelson P. Lewis, who had been the chief engineer of the City of New York for many years, and very highly regarded. He had survived all changes of administration and had held his job strictly on merit. In the course of his work he has prepared three or four hundred maps, charts and graphs of various kinds showing the conditions in New York as they are.

Next a survey of the social and living conditions was set up. Among other studies, the Sage Foundation began about a year ago studying the ten worst, most squalid living quarters in New York City, Brooklyn, and Jersey City, making an intensive study in each case, seeing what the relations were in those areas to parks and playgrounds. We found in several of these areas (say a forty-acre tract) a population of five hundred to five hundred and fifty per acre, whereas four hundred per acre has always been considered the limit of decency. Now, we hope in dealing with this planning question to ameliorate that condition.

Then we have had another survey which has been very important, called the economic survey. Two Columbia professors have dealt with this work. The problem in that case was to try to find out why industries located in New York and the environs. All sorts of graphs and historical charts have been made to show the growth and the development of a particular industry in recent decades. In some cases we find that the business is changing very markedly and decentralizing, and in other cases we find the congestion is becoming more serious. We find that the new immigration law is having a very profound effect. For a great many years certain industries were located in New York simply because there was this immense reservoir of poor foreigners arriving in this country, illiterate and ignorant, which were drafted into these industries. Now that that tide has almost entirely stopped, many of these industries are finding it advantageous to move to the suburbs.

Fourth among our surveys has been the legal survey. We were fortunate in having in charge of that work a man who has contributed a great deal to the subject of zoning; in fact, we call him the *daddy* of zoning, Mr. Bassett, and his advice has been of very great use to us not only on that subject but on others.

BUREAU OF PLANNING SERVICE

We realized that unless we were able to interest many people in our plans, we did not stand much chance of carrying them through. Therefore, our work has a rather ambitious title, "The Plan of New York and Its Environs," it might be better described by a sub-title of "Planning Service for the City of New York and the Surrounding Territory." In other words, we are trying through the generosity of the Sage Foundation to create a sort of a *bureau of planning service* which the City of New York and the cities and towns outside, of which there are four hundred in three different states, can avail themselves of. We shall act as advisors and co-ordinators of their suggestions. So one of the important departments of our work is going to be that of *contacts* with the communities in the region. We are encouraging them in every way we can to set up their own organizations, local organizations, and it is that which I like about your plan here, that you are seeking to encourage these municipalities and villages to get into this game, of studying their own town planning. The central organization ought not to tell the town or village how it shall do many purely internal things. Their ordinary street system is not of interest to the great city, but the great arteries that pass through these towns and villages are of vital interest to the main city.

COMMITTEE ON THE FEDERAL CITY

There is also a movement for regional planning in Washington. About six months ago the American Civic Association came to me and asked me if I would reform an old committee that had died out, a committee of a hundred on the Washington plan. Those of you who visit Washington naturally think of it as being so nearly perfect and that it cannot be improved. The real fact of the matter is that the part of Washington which is perfect is the part planned more than one hundred years ago by George Washington, Thomas Jefferson, and Major L'Enfant of the French Army, and the part of Washington that is bad is the part that has been developed since.

Jefferson says in his Memoirs that when Washington was planned out to Florida Avenue on the north and the Potomac on the south, preparation was made for a city of a hundred thousand, and that there was no likelihood that this limit would be reached in less than a century. Of course more than a century has rolled by, and we have a city of five hundred thousand, of whom one-fourth are colored.

Now, we had no means in Washington to carry on this work of planning. We were somewhat in the position as to funds that you are here, and because most people who live in Washington owe a primary allegiance somewhere else it is difficult to raise money there. So in starting the committee we had to create up our own "self-starter." I called on a hundred citizens and asked them to undertake this work, and in order to show their good faith and interest in the work I asked them to put up an initiation fee of ten dollars each. That gave us enough money to pay for the stenographic work, stationery, stamps and that sort of thing. Nobody was to get a salary, and everybody was to work, as Stevenson says, for the love of the doing.

That has gone on quite well. We have divided the work into ten committees as nearly as possible of ten each. I will give you an outline of what the committees are:

There is a committee on parks and parkways, on school sites and playgrounds, on waterfront development, on street systems and the approaches to Washington, on zoning, on housing, on architecture, on the surrounding area, and lastly, there is a committee on contacts. We have printed a little booklet which contains these reports and these have been sent out to similar committees that have been formed by the Civic Association in different cities of the United States.

Washington is in a peculiar position. Washington is the Federal City and is governed by the Federal Government. Nobody living in Washington has a vote, and the only way anyone can have a vote and live in Washington is to claim residence outside of Washington, and that is sometimes an expensive luxury. So the obvious way to secure consideration of these matters is by developing public opinion in outside cities, to influence the congressmen representing those districts in Congress.

It is not that we want more money appropriated than Congress is now appropriating. That is not our contention. It is like the question here in Chicago. We are not trying to increase appropriations, but we insist that what is spent shall be spent intelligently.

Those of you who come to Washington and see how beautifully ordered the old center of the city is, and then see the outer edge of the city surrounded with beautiful forests, do not know that those trees and ravines are privately owned, and that if something is not done about it and the planning is not a little more intelligent than it has been in the past forty years, the hills will be leveled down into the ravines and there will be a lot of perfectly deadly, uninteresting rows on rows of two-by-four houses. That is what is happening, and it is going to continue to happen if you do not help to stop it.

THE PENDING LOS ANGELES CHARTER

BY C. A. DYKSTRA

Los Angeles

In the opinion of the editor this article should be entitled "Los Angeles Turns Antiquarian," its charter commission having ignored modern progress toward unity and simplicity and divided the city administration among no less than sixteen mutually independent long-term departmental commissions. A type once common in American cities but now almost forgotten! :: :: :: :: :: :: ::

In December of 1923 the Los Angeles Board of Freeholders elected in June to draw a new city charter, finished their labors and voted to submit their work to the electorate in May of 1924. All but one of the fifteen members who were in the city signed the instrument. One member, a woman—and, by the way, there were three on the board—refused her signature because the charter contained a provision for a plan of financing small homes, a proposal which she declared she could not support in the form adopted.

In these days of charter making students are interested in knowing whether new trails are being blazed and what old ones are being followed. It might reasonably be expected, for instance, that Los Angeles, in the heart of the city-manager belt, would be affected somewhat by the manager idea and would give it careful consideration. Since the Cleveland experiment with proportional representation some would expect consideration for this newer representative device.

As a matter of fact, it turns out that the idea of a manager for the whole city was given little consideration and proportional representation none at all. "There seemed comparatively little demand for a city manager," says Mr. George H. Dunlop, secretary of the Board, "and we felt that no man has the strength or the varied enthusiasms to undertake the whole management of a large city." Proportional representation is unconstitutional in California under the decision in the Sacramento case, and there was no practical reason for discussing it.

In the minds of the freeholders, the outstanding contributions in the new charter are two—the enlisting of citizen service on a great number of administrative boards and the attaching to these boards of expert administrators to be known as managers. Commissions have been made even more important than they were under the old charter and responsible executives are given large administrative powers subject to these unpaid citizen boards. In effect, therefore, a careful distinction has been drawn between policy-making officials and administrators, although the point at which it operates is off the beaten track. It must also be apparent that the manager idea had some weight with the freeholders.

A glance at the charter shows that the executive budget idea is having its day in Los Angeles as well as in the state. The popular devices known as the I. R. & R. have been retained and perhaps further safeguarded. The nonpartisan primary is retained; the merit system is carefully provided for; the recall is extended to all commissions and department managers; the purchasing power is taken from the Council and given over to the usual "agent"; wages and salaries are standardized and a bureau of efficiency set up and definite provision made for its support.

ELECTED OFFICIALS

The Major, the City Attorney, Controller, the Council and the Board of Education are the enumerated elected officials under the new charter. The mayor's term is made four years along with those of the city attorney and the controller, the councilmanic term continues at two and the Board of Education is given a four-year-term under a provision for biennial elections.

THE COUNCIL

The number of councilmen is increased from nine to eleven. Section 6 provides that these shall be chosen at large, but an alternative proposition is to be submitted which sets up once more the old ward or district system and a council of fifteen.

This alternative is provided to meet the opposition to election at large which has appeared in the ranks of labor and in some of the far-flung outlying sections of the city—the harbor district, for instance, and the San Fernando valley communities. Labor insists that under the election-at-large principle the newspapers have dominated elections and the distant local centers declare their interests are neglected by a council chosen at large.

Provision is made for grouping the functions of the city into as many divisions as there are councilmen. Each councilman is then to be chairman of a committee of three whose business it shall be to know the work of that particular division and report to the Council as to its functioning. Specifically the committee is declared to have no administrative control over such functions. The president of the Council elected by that body is to name these chairmen.

THE MAYOR

The mayor's powers of appointment are qualified by the present extension of the merit system into practically all departments of the city government. The city clerk, the purchasing agent and the treasurer are in this category along with almost all of the other administrative officers within the departments. Of course the commissions will each furnish one appointment a year.

THE DEPARTMENTS

Sixteen departments are created and standardized as to numbers, organization, terms and general powers. Each of these has five commissioners, appointed for five-year terms and paid an attendance fee. Removals by the mayor are contingent upon a majority vote of the Council. The boards choose their own officers and are required to appoint general managers to administer the affairs of the departments. The boards' duties are declared to be supervisory only; it devolves upon the managers to do for the departments what city managers are supposed to do for "manager cities."

The standardized departments run as follows:

Building and Safety
City Planning
Civil Service
Fire
Harbor
Health
Humane Treatment of Animals
Library
Municipal Art
Parks
Pensions
Playground and Recreation
Police
Public Utilities and Transportation
Social Service
Water and Power

The Department of Public Works is organized somewhat differently. The members are to give full time and be paid regular salaries to be fixed by ordinance. Its executive officer is the city engineer.

A Department of Trusts is provided for to care for trusts, gifts and bequests made to the city. It is to have seven members, two of whom are the mayor and the president of the Council. The others are to be chosen by a Board of Appointment definitely provided for and named by office.

The Department of Education of seven elected members is the typical facility known to American cities.

HOUSING COMMISSION

The charter breaks new ground in providing for a Municipal Housing Commission of fifteen. These are chosen by the mayor subject to confirmation under the limitation that twelve of those "directors" are to be named from the "twenty-four largest registered holders of bonds" of the commission. The terms are three years.

Briefly the powers of this body are:

(a) To issue bonds in the name of the city under terms to be prescribed by ordinance. These bonds are to be a lien on the property of the commission and the city is not to be liable.

(b) To go into the real estate and construction business in order to provide homes for "those who might otherwise live in overcrowded tenements, unhealthy slums, or the most congested areas." So long as any of this property belongs to the commission it is not subject to taxation.

(c) To receive gifts to be used for such housing purposes.

(d) To control the "housing fund" deposited in the city treasury.

The bonds issued by this commission may be of two classes—fully paid bonds bearing $5\frac{1}{2}$ per cent interest and those payable in installments of one dollar a month on each $100 bond.

It is provided that the Housing Commission shall not be subject to the charter provisions on civil service, pensions, purchasing agents or controller.

Just how the courts will look upon this provision in case the charter carries is at the present time an interesting item of speculation. This housing enterprise is presumably municipal and yet the city is specifically exempted from liability. If it is finally declared a permissive private philanthropic venture it will have the advantage of tax exemption.

Nothing need be said about the election provisions of the charter. They are the ordinary non-partisan devises now common enough. The noteworthy change in the recall section is the extension of the principle to appointive boards and departmental managers.

BOROUGHS

Provision is made for the creation of boroughs within the city. Any annexed section not a part of the original central city of 4,000 acres or of 40,000 population may become a borough by action of the City Council and a vote of the residents of the proposed borough territory.

Once formed the borough is to have an Advisory Borough Board of five members appointed for five years by the mayor, after conference with local civic bodies. This board is to have power to adopt a budget for its own work and make budget appropriations, authorize the City Council to levy a borough tax not to exceed ten cents on each hundred dollars of assessed valuation—provided that the tax is collected as the city tax is collected and kept in the city treasury—present borough needs to the City Council, request the Council to call special borough elections for the voting of special district bonds or taxes, and to promote the borough interests generally.

The borough device suggested by this charter is manifestly a plan which will give to local sections of the city the opportunity for the creation of local sentiment and the development of local pride by making possible services and improvements which the city as a whole cannot be committed to or finance. The voluntary character of the plan presents an interesting possibility in the development of our metropolitan cities. Under the Los Angeles Plan all administrative services of every kind are rendered by the city departments and the borough furnishes the funds for special services. The advantages of local expression are also combined with the idea of one legislative body for the whole community.

CONCLUSION

In the large the charter is conservative and is drawn in the light of the city's experience with the old charter. Little attention was paid by the drafters to the charters recently adopted in other American cities or to recent studies in the field of municipal administration. This was due in part to the feeling that the city would not accept a thoroughly revamped and revised charter and, in the second place, to the attitude of the freeholders themselves. They believed that the old charter was an excellent instrument and needed comparatively slight changes; that the amendments of the last few years had kept it quite modern; and that some of the amendments, such as the civil service sections, might be jeopardized if thoroughgoing overhauling was undertaken.

MEASURING THE RESULTS OF GOVERNMENT

BY A. E. BUCK

New York Bureau of Municipal Research

This paper was read at the joint meeting of the National Municipal League and the Governmental Research Conference held at Washington November 15, 1923. :: :: :: :: :: :: :: ::

The budget is now generally understood to be the document that sets forth the financial plan of the government. It is supposed to furnish all the information necessary for a critical appraisal of this plan by the legislative body and the people.

NEED FOR MORE EXTENSIVE BUDGET INFORMATION

The best form of budget document at the present time presents a financial plan based wholly upon detailed estimates furnished by the various organization units of the government. These estimates show the departmental needs in terms of services, commodities, and obligations, and compare these needs with past and present expenditures for the same purposes. That is, the estimates are expressed entirely in terms of things to be purchased or payments to be made by the departments. Little or no information is furnished as to how the departmental work is being carried on, or what the results of past work have been.

Let us take the fire prevention work of the department of public safety of a city government as an illustration of the information contained on the budget estimates. The fire division of the department requests on its estimates ten fire prevention inspectors at salaries of $2,400 each per year, or a total of $24,000. The estimates state that two of these inspectors are new additions to the force, that the other eight inspectors receive salaries of $2,300 each at the present time and were paid at the rate of $2,160 each during the preceding year. This information tells definitely just what personal services have been used, are being used, and are to be used in the fire prevention work, as well as the cost of the same. But no information is presented telling anything about the actual work, or giving any idea about the results of the work. The city council is not told how many inspections were made during the past year by each inspector, or why it is necessary to put on two more inspectors. The council is not told anything about the results of the work in eliminating fire hazards or in decreasing the actual loss of lives and property from fire. The number of inspections made by each inspector during the year may be a matter of record in the office of the division chief, and, if called for by the council, may be produced by the chief as evidence in favor of his request for two additional inspectors. If this information is not on record in the division, then the chief will say: "I estimate that the present force of inspectors made so many inspections during the year, and that so many inspections should have been made; therefore, we need two additional inspectors." If asked about the results of the fire prevention work, the chief will probably say: "It is very valuable work. It is a means of greatly reducing the fire losses in the city. We must have two more inspectors so as to make it more effective." He furnishes the council and the public no definite information to show what the actual results have been. In his judgment the fire prevention work has been worth while. If the members of the city council do not accept the judgment of the chief as to the needs of the fire prevention work, they must fall back on their own judgment as to what the work demands. They have no other way of checking up on the demands made for the work from the results accomplished. They have no means of knowing whether the work requires ten or five or fifteen inspectors, or whether the money that the service is costing is well spent or wasted.

This serves to illustrate how limited is the information now set forth in the best of budget documents. It also points to the need for the development of a more or less new type of information that will make it possible to evaluate the results from past expenditures and to weigh future governmental needs.

LINES FOR FURTHER DEVELOPMENT OF BUDGET INFORMATION

Both from the standpoint of better budget planning and the proper evaluation of the functions of government, there are three things that it is desirable to measure. These are as follows:

1. The purchases, that is, the services, commodities, etc., which are bought by the government to carry on its work;
2. The operation of governmental departments and agencies; and
3. The actual results of departmental and institutional service.

In other words, these three things have to do, first, with what the government buys; second, with how it uses what it buys; and, third, with what follows or results from the use. We need, therefore, methods for three types of measurements, namely, (1) measurement of purchases, (2) measurement of work, and (3) measurement of results.

MEASUREMENT OF PURCHASES

For the past fifteen or twenty years accountants and budget specialists have devoted much time and thought to governmental purchases and methods of control over them. Such purchases have already had applied to them definite standards and units of measurement. They have been very well classified and standardized for accounting and budget-making purposes. At the present time we have fairly complete classifications of the services, supplies, materials, equipment, etc., purchased by the government. We also have standard specifications covering most of these things to protect the government against buying those of inferior quality. Under our present accounting systems, we have unit costs and fairly detailed information about everything that is bought for the work of the various governmental agencies. We are now most in need of additional measurements and further information with reference to the operations of these agencies and the results of their work.

MEASUREMENT OF WORK

Accountants and others have recently given considerable thought to devising methods of measuring the operation of governmental departments and agencies.[1] They have established units of work for some activities of government and have determined the unit cost of such work. In some instances they have determined the rate of work and have attempted to set up standards of working efficiency. These units of measurement are, however, rather limited in their application at the present time, because they have not yet been broadly outlined and developed. They need to be extended to all of the activities of the government. When work units have been devised for each activity of the government, it will be possible to express the budget plan in terms of work to be done as well as in terms of services, commodities, etc., to be bought. Such units would then be a means of enabling the administrator to check up from day to day, and week to week, on the working efficiency and cost of every activity under his control. The working efficiency of the various governmental agencies, of course, enters into the final results achieved and is also reflected in the budget requirements in the form either of greater or less expense for services, commodities, and so on.

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[1] Eggleston: Municipal Accounting, chapter XIV. Metz Fund Handbook of Municipal Accounting, chapter VI.

Considerable more might be said upon this subject of measuring the operation of governmental departments and agencies, but since we are concerned in this paper mainly with the measurement of results, we shall pass on.

MEASUREMENT OF RESULTS

People have been led to believe that the dollars expressed in the budget were an accurate measure of the services rendered by the government. This idea is largely erroneous. A large amount of money may be expended upon one activity of the government with practically no favorable results, while a small amount of money may be expended on another activity with large returns in service. We cannot continue to depend largely upon personal judgment, if we are to evaluate properly the worth of governmental services and to weigh correctly the ever-mounting expenditures of the budget. We must devise a method of measuring actual results so as to determine accomplishments or failures. This is not an easy task. Only a few scattering attempts have been made to measure the results of government, and these have touched very superficially just a few of the activities in the total range of governmental affairs. The field as a whole is practically untouched. In fact, so little has been done in this field that many still doubt the possibility of measuring the results of government.

ARE RESULTS OF GOVERNMENT MEASURABLE?

Although many may not be willing to agree that the results of government are measurable, we are constantly evaluating governmental services, or trying to evaluate them, in some way or other. This is especially true if we happen to be staff members of a municipal research organization. We survey a city government and, after studying the work of the various activities, we proceed to appraise the results. This appraisal is the basis of our report, in which we may commend or criticise the work of the city government. How did we make this appraisal? Was it not largely by means of personal judgment based upon our observations and experience?

As research men, are we going to let the matter rest there? Is there no way to determine what the results of government are except by personal judgment? If not, then there is no such thing as a scientific appraisal of government. So long as individual limitations, prejudices, and interests, enter into the measurement of governmental services, these services cannot be appraised scientifically.

For many years students of government have been busy formulating general principles that put government on the footing of a science. We are told that the earmark of a science, as distinguished from an art, is that the operations and results of a science are measurable. Art, they say, depends upon individual skill, imagination, and leadership, which can be appraised by judgment alone. In so far as the elements of art enter into the work and results of government, we should expect, for the present at least, to leave their appraisal to judgment as heretofore. Parenthetically, I might say, who knows but that psychologists or others may in the future devise methods by which human judgment can be measured. Then we shall be able to measure even art itself. However, at the present time it is apparent that a large number of the results of government are measurable, if we only take the time to devise methods. The results of some governmental services appear upon first examination to be quite complex and even intangible, but upon careful analysis these may be shown to be measurable.

Wherever practicable, definite measurement of the results of government should be substituted for judgment. We usually *judge* a thing by comparing it with some other thing. We *measure* a thing by comparing it with some definite scale accepted as a standard. Measurement is therefore more exact, more reliable.

Progress has come in modern sciences largely through the development of means of exact measurement. Before the thermometer was adapted to clinical uses, the possibility of knowing that a patient did or did not have fever as a result of his condition depended entirely upon the judgment of the physician. Then the physician felt of the patient's forehead, looked in his mouth, counted his pulse beats for a minute, and said: "I think you have a slight fever." Now, the element of judgment in such cases is eliminated; the physician simply places his thermometer under the patient's tongue, and not only is the fact that the patient has fever recorded but the exact amount of the fever is shown to a fraction of a degree.

It may sound like a dream to some of us, but that is exactly what we want to bring about in the case of governments. We want to devise methods and standards by which we can measure the results of a government so the information we get will be accurate and conclusive.

WHY MEASURE THE RESULTS OF GOVERNMENT?

As the burden of taxation increases to meet the rising cost of government, the taxpayer is becoming more and more interested in what he is getting in the form of governmental services. As a citizen, he wants to know more about the actual results from the operation of governmental departments and agencies. If he is a member of the city council and charged with the duty of passing on the city's budget, he would like to have some accurate means of determining the relative needs of the various departments of the city government. He would like to know if one department is being provided for much beyond the importance of its activities in relation to other departmental work and the total income of the city government. He would like to know if considerable money is being spent upon one activity that is accomplishing nothing, while another activity of great value to the community is being financially starved. With this information at hand the budget estimates could be measured quickly and accurately, and the amount of money appropriated to a given department would not depend upon the quantity of services and commodities that it consumed in its operation during the previous year or two, but upon the actual results accomplished.

We need a scientific method of arriving at accurate evaluations of the results of government work for the following reasons:

1. The rapidly mounting cost of government, and the consequent increasing tax burden for its support;
2. The wide overlapping of functions within the same government, and of functions and fields of government, as between local governments, such as the city, special districts, and the county, and as between the local and state governments;
3. The rapid expansion of governmental activities—the future pointing to still greater extension of these activities;
4. The political aspects of government, the general policies being largely subordinated to party advantage and control. As long as we continue to judge results rather than measure them, it will be possible for the politician to misrepresent the actual results so as to make capital for himself or his party. Demagogues thrive best where there is great diversity of opinion on the operation and results of government.

The establishment and application of a method for measuring the results of government should:

1. Decrease the cost of government services by pointing to better methods, better organization and the reduction of personal services;
2. Increase the working efficiency and practical utility of the work done;
3. Develop the idea that government administration is a science;
4. Encourage general interest in, and intelligent criticism by the citizens of questions relating to the government;
5. Permit comparisons between governments. Then it will be possible to compare the actual results of one city with those of another and to rate the different cities according to the results attained in the various city activities.

THE APPROACH TO A METHOD FOR MEASURING RESULTS

Having persuaded ourselves that the results of government can be measured and that there are certain real benefits to be derived from such measurement both in the way of needed budget information and as a check upon the policies and work of the government, we must next face the proposition of how it is to be done. That the problem is large and complex, we cannot deny. An approach to its solution involves a complete analysis of all the functions of government. This can best be done, for example, by starting with city governments. In this analysis of functions, the elements or processes that enter into each function must be shown, the points at which a given function impinges upon other functions must be clearly brought out, and the relation of each of the functions to the functions of other superimposed or subordinate governments. In making this analysis, we will find it necessary to divide functions into groups and perhaps classes. We may find it necessary to classify functional groups, according as the functions composing them have as their immediate object (1) the rendering of service directly to or for the public, (2) the making available of the means and instruments, consisting of funds, personnel, commodities, and property, whereby such service may be rendered, or (3) the determination and direction of the services to be rendered, of the means and instruments to be used in rendering them, and of the manner of acquisition, use and disposal of such instruments. Thus we can separate from the others those functions of government that render services directly to the public—that produce service results. These are the functions that we want to measure both as to their work and as to their results. Of course, we will want to measure the other functions as to their work.

After we have made a complete analysis of governmental functions, and resolved each function into its component elements, we will then determine the factors that influence or control the work of each element. We will want to find the order of importance of these factors and eliminate so far as possible those that are least important. We may then work out definite relationships or ratios between the remaining factors and establish an index for measurement.[1]

We shall have to bear in mind that any method that we may establish for measuring the results of governmental functions must be as simple as is consistent with the complexity of the functions to be measured. And it must eliminate, as far as possible, personal judgment or opinion. The development of such a method should enlist the thought and co-operation of research men, government administrators, and students of government. Research men in the different fields of government, particularly accountants and statisticians, should have something definite to contribute toward working out this method.

SUMMARY

By way of a brief summary, let me say that the present need for more exact information about the purchase requirements, the operation, and the results of government is quite evident. We have already developed fairly accurate means of measuring the government purchases, both as to the quantity and quality of commodities and services. But we have so far done very little in the direction of measuring government operation or work. We need to do a great deal more in this field for the assistance of administrators in developing work programs and for general public information. Practically nothing has yet been done toward the measuring of results of government. Such measurements are essential to careful budget making, and to better accounting and reporting. And most important of all, they are essential to an intelligent understanding of the government by its citizens.

STATE SUPERVISION OF LOCAL INDEBTEDNESS

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The creation and retirement of local debt in the United States has been considered by our States as a problem for constitutional and legislative treatment. In view of the facts that eleven billion dollars' worth of state and municipal securities are now in the hands of investors and that this sum is being added to at the rate of from fifty to seventy-five millions per month, the character of these legal restrictions is an interesting subject for investigation. :: :: :: :: ::

CONSTITUTIONAL RESTRICTIONS

CONSTITUTIONAL restrictions on local borrowing may be most conveniently summarized by grouping together the provisions concerning those features of public debts to which greatest attention is devoted.[1]

1. *General percentage limitations.* Twenty-six state constitutions prescribe percentage limitations on local borrowing for what might be called "general municipal purposes," the limitation being based in almost all cases upon "the assessed value of property." Fifteen of these prescribe limits of 5 per cent or less; nine between 5 and 10 per cent; only two permit debt in excess of 10 per cent of the assessed value. Generally speaking, the power to incur debt is extended upon the same terms to all political subdivisions in spite of the ease with which special jurisdictions covering identical territory are created. South Carolina is the only state whose constitution limits the total indebtedness which may be imposed upon a given territory by its component parts.[2]

2. *Borrowing "outside the debt limit."* In very few instances is the limit discussed above the absolute one. In the majority of constitutions provision is made for increasing indebtedness beyond the general limit for specified purposes—usually for revenue-producing utilities or (as in some western states) for such improvements as sewers. In practically all these cases an attempt is made to secure conservatism in such financing by requiring an extraordinary majority vote of the people or by requiring that the utility to be acquired shall be so managed as to be self-supporting. Some few states have gone still farther and provide that debts for such utilities may be secured by mortgage upon the plant acquired. In some of these cases the constitutions expressly state that such debts shall impose no general municipal liability.[3]

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[1] Twelve state constitutions make no mention whatever of the subject of local indebtedness. Ten others, while containing no percentage limitations, place other restrictions on the borrowing powers such as the prohibition against the lending of credit, etc.

[2] Art. X, Sec. 5. The internal limit is 8 per cent, the external limit 15 per cent.

[3] Louisiana, Michigan, Missouri, Ohio. It is difficult to see what advantage this actually gives the city, and it appears in some cases to have weakened the market for municipals.

3. *Constitutional requirements as to redemption.* Seventeen state constitutions make mandatory the collection of a tax sufficient to retire indebtedness. In some cases this provision simply requires a tax sufficient to meet the interest and retire the principal of a loan "when due."[4] Most of the constitutions, however, impose maximum maturity limits for loans. These limits are: 15 years in Colorado, 20 years in Idaho, Illinois, Missouri, and Wisconsin; 25 years in Oklahoma; 30 years in Georgia and Pennsylvania;[5] 34 years in West Virginia; 35 years in Arkansas; 40 years in California,[6] Kentucky and Louisiana; and 50 years in New Mexico. Two states only have constitutional tax limits applying specifically to debt charges—Colorado and New Mexico, the limit being twelve mills in both states. Louisiana is the only state whose constitution makes mandatory serial redemption. There are no constitutional provisions against refunding.

4. *The authorization of debt.* Of the thirty-six constitutions dealing with local indebtedness sixteen require some sort of popular approval of bond issues, either in all cases[7] or under certain specified conditions. The initiative is everywhere left with the ordinance-making body and in twenty states the constitution makes no provision for a referendum, although this is a practically universal requirement in the statutes.

GENERAL NATURE OF CONSTITUTIONAL PROVISIONS

The extent to which state constitutions occupy themselves with the four features of local indebtedness dealt with above emphasizes the chief characteristic of constitutional treatment of the subject, namely, its inclusiveness. Constitutional restrictions were the product of several decades of unwise local financing during the middle period of our history. The recurrence of such extravagance was to be made impossible by the imposition of inflexible rules governing the creation of debt. To prevent extravagance it was proposed to attack the whole problem by dealing with specific abuses connected with the use of the public credit. With the passage of the years the scheme of constitutional regulation has come to resemble the use of a pile-driver as an insecticide. While it is true that the danger of wastefulness is never far distant in democratic governments it cannot be denied that financial practices have become so flexible that to deal with the details of local financing in such a slowly-changing instrument as a state constitution seems now to be unwise. Some justification may indeed be found for a general percentage limitation in the constitution. Though open to serious theoretical objections such a provision does offer a rough rule for measuring debt-paying ability. This is so generally recognized in practice that the market has come to demand such a provision. It is doubtful, however, if the constitution should go beyond this. Ordinary legislation offers a much more adaptable means of dealing with such matters.

STATUTORY PROVISIONS

The general laws of the states concerning local indebtedness are so extensive and intricate as to defy generalization.[8] Most of them, however, attempt to deal with the following features of the problem:

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[4] N. D. Amendment 35; S. C. Art. VIII, Sec. 7; S. D. Art. XIII, Sec. 5.

[5] Philadelphia may become indebted for some purposes for longer periods.

[6] Three California cities are exempt from this limit.

[7] Colorado, Louisiana, New Mexico, South Carolina, South Dakota and Utah require a majority vote on all issues; Georgia and Missouri require a two-thirds majority and Oklahoma and West Virginia a three-fifths vote.

1. *The amount of debt which may be incurred.* Little need be said about this class of provisions. Wherever the constitution imposes a maximum percentage limitation it is the tendency of the statutes to take full advantage of the constitutional limit. In a few cases, however, where there is no constitutional limit, the statutory limit is stricter than the average constitutional provision.

2. *The authority for incurring debt.* The requirement of a referendum on local loans is almost universal. In four states only does the local governing body have anything like full discretion.[9] In practically all the other states debt may be incurred only after a vote of the people—this vote varying from a simple majority to a three-fifths majority. The right to vote is usually extended to all regularly enrolled voters, though some states (for the most part in the west) allow only taxpayers to take part in such decisions. In only one state is the creation of local debt in any way dependent upon the action of a central state authority. An Indiana Law of 1921 outlines the following scheme for the control of local debts: If the proposal of the local governing body to incur debt in excess of $5,000 is opposed by ten or more property taxpayers of the taxing district the latter may file a petition requesting that the proposed loan be referred to the decision of the State Board of Tax Commissioners. The Board is then required to hold a hearing in the county in which the taxing district is located. "The decision of the State Board of Tax Commissioners upon the issuance of said obligations and the amounts thereof, if any, which may be lawfully issued shall be final." While this law was passed as an accompaniment of a sudden change in the assessment basis it seems likely to remain an integral part of the state's policy towards local governments. Its influence as a force for conservative financing has been of undoubted value.[10]

It is perhaps too early as yet to speak with confidence of the results of the referendum on any public question. It seems fairly safe to say, however, that the indiscriminate use of this device on any and all questions has deprived it of many of its theoretical excellences. On the question of public debt a wiser plan (in the absence of some scheme for administrative control) would seem to be to allow the governing body a fuller discretion in the incurring of debt but at the same time to subject it to the check of the referendum only in case a substantial number of citizens demands its use.[11]

3. *Provisions regarding the term of issue.* Extended experience of investors

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[8] No account is taken of the laws of those states in which all, or nearly, all local indebtedness is authorized by special laws; *e.g.* Connecticut, Rhode Island, Maryland, South Carolina and Georgia.

[9] In Nevada, except for utilities; emergency loans must have the approval of a state board; Sec. 794, R. L. of Nevada; Ch. 217, Laws of 1921; in New Jersey townships and boroughs people may petition for a referendum; Sec. 9, Ch. 252, Laws of 1916; in Mississippi the council has the right to authorize debt in towns of less than 12,000 population unless people petition for referendum; Ch. 206, Laws of 1920; see also Secs. 2938, 2948, Consolidated Statutes of North Carolina.

[10] Sec. 4, Ch. 222, Indiana Laws, 1921; see also J. A. Estey, "Indiana Tax Reforms," in NATIONAL MUNICIPAL REVIEW, 9: 411–413; Reports of the State Board of Tax Commissioners in Indiana Year Book, 1919, 1920, 1921.

[11] See *Report of* (*N. Y.*) *Special Joint Legislative Committee on Taxation and Retrenchment, Retrenchment Section* (March, 1922), pp. 73–74.

in municipal securities has furnished two very definite principles concerning the term for which such obligations should be issued and the method to be employed to discharge them. These principles are: First, that a direct and measurable relation exists between the character of the improvement to be financed by borrowing and the term for which the loan should run; and, second, that real economy demands the repayment of loans in regular and fairly uniform installments rather than in one payment at their maturity. It is interesting to note to what extent these principles have been recognized in our state laws.

Of the forty-eight states thirty-eight have general laws specifying limits within which local debts must be paid or refunded.[12] The laws of about two-thirds of the states provide merely for maximum periods within which debts must be paid. A small, but in recent years, increasing number of states, have enacted legislation based upon the principle that the obligation by the issue of which an improvement is financed should be retired within the life of the improvement.[13]

Eighteen of our states expressly permit or make mandatory the use of the serial plan of debt repayment. Of this number ten have mandatory laws.[14] The recent progress of the serial plan is evidenced by the fact that, with a single exception, its adoption has taken place within the last ten years and in four states it was not made mandatory until 1921. Model laws embodying both these principles will be discussed below.

4. *State registration of local debt statistics.* Of the forty-eight states nineteen make some provision for the registration with a state authority of data pertaining to local indebtedness. The character of these provisions ranges all the way from the simple requirement that the state authorities shall be periodically notified concerning local debts to provisions making such notification precedent to the creation or validation of debts. The laws of eleven states require a periodical report of such data to a state official but do not contemplate more than a complete record of such transactions.[15] The law of Pennsylvania requires the filing of such data with the clerk of the (county) Court of Quarter Sessions at the time the debt is incurred. The laws of Missouri and Nebraska require annual reports to the State Auditor concerning new debts and those redeemed during the year. On the basis of these reports the Auditor certifies annually to the municipality the amount necessary to pay interest and maturing principal. This amount is collected as a part of the state taxes levied in the municipality and paid to the local authorities. Finally a few states require registration as a part of a scheme for state validation of municipal bond issues. In Massachusetts registration is required with the Director of Accounts, who has powers over certain kinds of local obligations which practically amount to validation.

The advantages of having an accurate record of local debt would be threefold. In the first place, it would be of considerable value to the investor to have constantly available accurate data on the volume and character of local debts. In Massachusetts where such data have been reported for some fifteen years, the material collected has been of great use to bankers and private investors. In the second place, the existence of such a volume of reliable facts would be of inestimable value to the state as a guide in its policy towards the finances of its subordinate governments. As the pressure increases on state governments to protect their own credit and that of their subdivisions, some such scientific basis will have to be laid. Lastly, the collection of such facts would redound to the benefit of the taxpayer. In a state containing hundreds of debt-incurring units the credit of all but the very largest depends in no small degree upon the character of the financial practices of perhaps the smallest. The credit of every community could be placed on a distinctly higher plane if every local council knew that its own record of debt administration was common knowledge among those who furnish the cash. Routine collection of such facts by officials charged with their proper interpretation is a function of undoubted importance and one which could be assumed in most states without large additional expense by existing agencies.[16]

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[12] Only four states specifically forbid refunding: Georgia, Louisiana, Massachusetts and New Jersey.

[13] Massachusetts, New Jersey, New Hampshire, Ohio, North Carolina and Wyoming.

[14] California, Colorado (for refunding bonds) Louisiana, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Ohio and Vermont.

[15] California, Connecticut, Idaho, Indiana, Iowa, Kansas, Mississippi, North Carolina, Texas, West Virginia and Wisconsin.

A detailed analysis of the legislation of the forty-eight states relating to municipal indebtedness reveals at once its piecemeal character. In few states do the general laws give any evidence of being built around any single principle. Provisions of one sort or another have been added at various times apparently without reference to existing statutes. Often the general law is general only in name, special laws superseding it in many communities. Special legislation originally enacted to meet specific abuses or local situations has often continued unrepealed to weaken the force of the general laws. The net result is a morass of enactments filled with pitfalls even for the expert. The laws of most of the states give no evidence of any realization of the intimate connection between such matters as debt limits and taxing methods, assessment bases, overlapping districts and administrative machinery. Finally most of them are weak in their lack of harmony with legislation on closely related subjects and in their failure to provide a necessary minimum of routine administrative control.

In spite of the undoubted weakness of our policy (or lack of policy) towards local debts considerable progress has been made in recent years towards the scientific handling of the problem. The pioneer in the field of scientific regulation was Massachusetts. This state, by a series of laws enacted during the past fifteen years and based upon thorough investigation and tested by actual experience, has constructed the most advanced local financing program to be found in the United States,—a successful experiment which has already served as a model for other states. Since the Massachusetts laws have been described before in the REVIEW it is only necessary here to set forth their chief features.[17]

(1) Borrowing for current expenses is ended not only by statutory prohibition but by the provision that a state official, the Director of Accounts, shall refuse certification of notes issued by towns for such purposes. Moreover, the records of the indebtedness of all local governments, kept by the Direc-

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[16] The present equipment of the states for this sort of work is discussed by Wylie Kirkpatrick, "State Supervision of Municipal Accounts," NATIONAL MUNICIPAL REVIEW, XII: 247–254 (May, 1923).

[17] C. F. Gettemy, "Recent Legislation Relating to Municipal Indebtedness in Massachusetts," in NATIONAL MUNICIPAL REVIEW, III: 682–692.

tor of Accounts, are open to all investors and constitute a bar to such financing even in the case of loans over which the Director has legally no control.

(2) Temporary borrowing in anticipation of tax receipts is placed on a scientific basis by (a) limiting the amount of such loans to the taxes actually collected during the preceding year; (b) by requiring such loans to be repaid within one year and making it the duty of local officials in towns to report such repayment to the Director of Accounts; (c) by requiring, in the case of towns, the certification of such loans prior to their issue by the Director of Accounts.

(3) The legislation relating to permanent indebtedness recognizes the principle that debts should be repaid within the period of the usefulness of the improvement and the maturity limits allowed are so determined as to ensure a proper distribution of the burden of repayment between the present and the future. Debts for general municipal purposes must not exceed the limits of 2½ per cent in cities and 3 per cent in towns. A two-thirds vote of the people is required to approve all debt proposals. While the constitution of Massachusetts does not prevent special legislation the dangers of this are mitigated by the requirement that the Director of Accounts shall examine all petitions for special treatment and report to the legislative committee to which such petitions have been referred. Thus the legislature has the benefit of the impartial opinion of a state authority well equipped to learn and pass upon local financial needs.

(4) By making mandatory the serial method of redemption the Massachusetts legislation (a) abolished the administrative difficulties inseparable from the management of sinking funds and (b) allowed a fair sharing between the present and the future of the cost of capital improvements.

(5) The notes of the 316 towns of the Commonwealth are issued subject to the certification of the Director of Accounts—a procedure which is, in effect, a guarantee of legality, since the Director must withhold his signature if the town has failed in any way to comply with the provisions of the laws relating to municipal indebtedness.[18]

(6) The auditing function of the Division of Accounts[19] has been an integral and invaluable part in the practical administration of the Massachusetts program. The present laws provide for an audit of the accounts of all the subdivisions of the Commonwealth at least every three years.[20] Compulsory acceptance of a uniform accounting system, although often proposed, has not yet been provided for, although many municipalities have voluntarily accepted systems installed by the state authorities.

The beneficial results of the Massachusetts legislation cannot be doubted. Since its enactment practically every community in the Commonwealth has been placed on a pay-as-you-go basis. The old practice of cheerfully borrowing from trust funds has disappeared and such debts have been almost entirely cancelled. Nearly 90 per cent of the borrowing of cities and towns is on a serial basis. Slowly but steadily local communities are accepting the services of the state in installing scientific accounting systems. The advisory functions of the Division of Accounts have been extremely important both in guiding local governments and in supplying the basis for necessary state action in amendments and additions to the original laws.

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[18] Certification does not apply to bonds issued by towns nor to *city* notes or bonds.

[19] Now a division in the Department of Corporations and Taxation under the Consolidation Act of 1919.

[20] Ch. 245, Acts of 1920.

The example of Massachusetts was followed (in 1916–1918) by New Jersey where, under the leadership of Assemblyman (now Senator) Arthur N. Pierson, and following a thorough study of the question of local debts by a joint committee of the legislature, an important body of financial legislation was enacted. While the underlying theories of the two systems are similar they differ in the machinery of enforcement. The New Jersey laws follow Massachusetts in making mandatory serial repayment, forbidding refunding and requiring indebtedness to be cancelled within the life of the improvement. There is a considerable difference, however, between the position occupied by the Massachusetts Director of Accounts and the New Jersey Commissioner of Municipal Accounts. The position of this latter official is unique in American experience. He is required to conduct annual audits of the accounts of the municipalities of the state as well as special audits on his own motion.[21] He receives annually from local financial officers a record of new indebtedness and on this basis certifies back to the locality, as a mandatory item in its budget, the sums necessary to be carried to sinking funds and to meet maturing installments of indebtedness.[22] The act creating his department provides that if examination of a municipality's accounts shows any irregularity, the Commissioner may order a special investigation. His recommendations on the conduct of the municipality's affairs are mandatory upon the governing body whose members are subject to a fine for non-compliance. The same act provides that the Commissioner may "inquire into any item of any budget or certification of requirements and may order any item required by law to be raised by taxation . . . which has been omitted . . . to be included in the budget . . . or may inquire into any item in the budget and if wrongly stated . . . he may order same to be corrected and properly stated . . . and all such orders shall constitute a mandatory obligation upon the governing body. . . ."[23]

In addition to its other features it is worth noting that New Jersey's indebtedness act is only part of a comprehensive financial program for local governments. For, concurrently with it were passed acts overhauling the general financial machinery of the municipalities of the state, bringing the taxing and assessing machinery into closer harmony with the laws regulating the creation of temporary and funded indebtedness. Thus in New Jersey something like a real financial program has been put into force and machinery set up for its proper enforcement.[24]

Space does not permit the detailed discussion of recent legislation in other states. New Jersey was followed closely by North Carolina, which state, in 1917, enacted a comprehensive Municipal Finance Act covering temporary and permanent financing and budgetary procedure. While closely patterned on the New Jersey scheme, the

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[21] The audit is only biennial in those municipalities where the assessed valuation is less than $3,000,000.

[22] These powers were upheld by the New Jersey Court of Errors and Appeals in *Plainfield* vs. *The Commissioner of Municipal Accounts et al.*, 98 N. J. Law, 84 (1918).

[23] Sec. 3, Ch. 192, Laws of 1917 (The Budget Act) requires the city clerk to mail a copy of the budget as soon as approved to the commissioner.

[24] The New Jersey legislation is summarized by the author of the indebtedness and sinking fund acts in *Analysis of the Laws Affecting County and Municipal Finance and Taxation.*

North Carolina act does not provide for administrative supervision, nor does any organization exist for the collection of complete data on local finances.[25]

In the same year New Hampshire, following an investigation by the State Tax Commission, enacted a Municipal Finance Act superseding the Municipal Bond Act of 1895. This act prohibited the creation of debt for current expenses, made mandatory the use of serial bonds, forbade the issue of "demand" notes, required the immediate retirement of all such notes outstanding, imposed new debt limits on municipalities with an exterior limit to cover overlapping jurisdictions, and required the adoption of a budget system by towns. The State Tax Commission was given authority to prescribe budget and accounting forms and to conduct an audit of local accounts on its own motion.[26]

The next state to attempt scientific treatment of the problem was Ohio. A tax limitation law of 1910 had so restricted local revenues in many places as to cause an extremely rapid increase in indebtedness, much of which was created to pay current expenses.[27] So serious had the situation become in many taxing districts that action was forced at the session of the General Assembly of 1921 through the efforts of various commercial organizations of the state. The so-called Griswold Act of that year struck at the chief evils of the situation by prohibiting the incurring of indebtedness for current expenses, making mandatory the use of the serial method of redemption, limiting the term of indebtedness to the life of the improvement and imposing new debt limits. Although this act has been in operation only two years there is little doubt but its observance will go far to lead Ohio municipalities back to sound methods of finance.[28]

The legislation dealt with in this paper is all the product of the last ten years. Most of it has come about unheralded outside the states immediately concerned, and the student seeks for record of it in the statutes and the rather dull official reports as well as in the hardly less terrifying columns of financial journals and the proceedings of bankers conventions and similar associations. On the whole, however, it constitutes a quite respectable body of legislation and there is reason to believe that it will be of considerable influence in other states. With the growth in interdependence of state and locality, of which we have multiplying signs, it will become increasingly necessary on the part of our states to protect their own credit by seeing that the credit of their subdivisions is unimpeachable.

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[25] The North Carolina Act comprises *Secs. 2918–2961, Consolidated Statutes of North Carolina.*

[26] *Chs. 57* and *129, Laws of 1917,* as amended by *Ch. 60, Laws of 1921.*

[27] The experiences of Ohio municipalities under the tax limitation law are dealt with in Clair Wilcox, *Rate Limitation and the General Property Tax in Ohio,* and Raymond C. Atkinson, *The Effects of Tax Limitation upon Local Finance in Ohio.*

[28] 109 Ohio Laws, pp. 336–351.

CONSTITUTIONAL TAX EXEMPTION—A REVIEW

BY LAWSON PURDY

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The National Municipal Review has published an admirable study of "Constitutional Tax Exemption" by Edward S. Corwin, McCormick professor of jurisprudence, Princeton University.

Professor Corwin agrees with other estimators that there are between thirty and forty billions of privately held public securities in this country which are either partially or totally tax exempt. In particular, the income of these securities is exempt from the Federal Income Tax. The Ways and Means Committee of the House of Representatives has before it a brief prepared by Mr. A. W. Gregg, expert of the Treasury Department, advising the committee that Congress is without power under the 16th Amendment or otherwise to tax the income of state and municipal bonds. Professor Corwin presents a carefully reasoned argument to the effect that Congress has the power to tax the income of such bonds and advises that Congress shall exercise that power as to state and municipal bonds hereafter issued although the power extends to the taxation of the income of all such bonds now outstanding.

The essence of Professor Corwin's argument is that the Supreme Court has never regarded itself as bound by any remarks in previous decisions which were not essential to the case under determination, and he alleges that the Supreme Court has never had before it since the adoption of the 16th Amendment any case in which it was essential to the decision that the court should pass upon the power of Congress to tax the income of state and municipal bonds.

The issue now presented never had any great importance until after the enactment of the Constitutional Amendment No. 16 which provides that "Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several states and without regard to any census or enumeration."

The usual system of taxation by the several states was the imposition of an ad valorem tax on the capital value of all property including evidences of debt. The usual practice by the several states was to permit the taxation locally of bonds issued by or under the authority of other states. An attempt was made to tax bonds of the United States and the Supreme Court held, in effect, that such a tax impaired the sovereignty of the United States and was impliedly contrary to the Constitution of the United States although there was no express prohibition contained in the Constitution.

Professor Corwin points out that an ad valorem tax so low as 1 per cent on a bond bearing 4 per cent interest was the equivalent of an income tax of 25 per cent. As local tax rates often exceed 2 per cent a local tax might exceed an income tax of 50 per cent. Such income tax rates were undreamed of prior to the Great War. Later the Supreme Court held that under the Income Tax Law enacted during the Civil War it was beyond the power of Congress to tax the income of state bonds. When Congress enacted an income tax thirty years ago the Supreme Court held that a tax on income from real or personal property is a "direct tax" within the meaning of the Constitution, which prohibits the levying of direct taxes by Congress unless such direct taxes are apportioned to the several states in proportion to population. In that case Professor Corwin holds that it was not essential for the court to go further and declare that it was incompetent for Congress to tax the income of state bonds; and he points out that the decisions of the court in which the court has gone out of its way to make statements about the power of Congress to tax the income of state and municipal bonds have gradually built up a theory in the mind of the court and in the minds of others that there is an implied prohibition in the Constitution against any taxation by the United States of the income of state and municipal bonds, but that the Supreme Court has not settled this question by any clear decision on the precise point now at issue.

Then Professor Corwin says we had presented by Congress to the several states an amendment to the Constitution in which the words of importance to the ordinary reader were these: "The Congress shall have power to lay and collect taxes on incomes *from whatever source derived*" and he says to the ordinary man those words mean what they say and not something less than they say. How words could be chosen to make more inclusive the power of Congress to tax income from all possible sources than do these words would be very hard to understand. He points out further that they mean what they meant to Mr. Hughes, then governor of New York, who said in his message to the Legislature, "The comprehensive words, 'from whatever source derived,' taken in their natural sense would include not only incomes from real and personal property but also incomes derived from state and municipal securities."

He quotes further to show that other governors in presenting the amendment for ratification to their legislatures entertained the same opinion as did Governor Hughes. Governor Gilchrist of Florida said, "Congress could therefore tax income from state and municipal bonds." Governor Hadley of Massachusetts said, "It impresses me as a narrow or technical objection to oppose this amendment for the reason that it does not provide for an exemption of that portion of one's income derived from state and municipal bonds." Governor Burke of North Dakota said, "The income tax amendment to the Constitution is broad enough to include a tax from incomes derived from the ownership of state and municipal bonds.

While Mr. Hughes was governor of New York the Legislature of New York did not ratify the amendment. His successor, Governor Dix, said in his message to the Legislature of New York that "if the words 'from whatever source derived' would leave the amendment ambiguous as to its power to tax incomes from officials' salaries and from bonds of states and municipalities the amendment ought to be opposed by whoever adheres to the Democratic maxim of the equality of laws." He advised ratification because he agreed with Governor Hughes as to the meaning of the words, "from whatever source derived", and he disagreed with him as to the wisdom of conferring so broad a power upon Congress.

Professor Corwin makes it clear that the legislatures of the states generally, and the people believed that the 16th Amendment would do what the words mean in their ordinary sense, give Congress power to tax all incomes no matter by whom received or from what source derived.

When this amendment was under consideration probably very few persons entertained for a moment the thought that an income tax might be necessary to raise such an enormous sum as was made necessary by the war; and in consequence few persons dreamed of surtaxes running above 50 per cent. So long as all recipients of income pay the same rate, whether such bonds shall be exempt or taxed, is of minor consequence because all such bonds will sell on a lower interest basis because of the exemption and all persons will be treated alike. It would be a mode of, in effect, collecting taxes from every person who bought a tax-exempt bond because he would pay a higher price for the bond at a given rate of interest or would lend his money at a lower rate of interest on account of the exemption. When, however, the tax is graduated a totally different state of things results. To the man who pays an income tax of 6 per cent the exemption amounts to little and would have correspondingly little effect upon the price of the bond; but to those who pay an income tax of 20 per cent to 60 per cent the exemption is vital, of immense importance, with the result that a small class of persons are put by the law under a compelling necessity to invest a large part of their capital in such exempt securities thereby enhancing the price of the bonds and decreasing the interest return to the ordinary investor. This is a gross injustice to the ordinary person who wishes to secure a safe return of income and at the same time is actuated by the patriotic purpose of lending money to his city, to his state, or to the nation. The effect is concealed from him. He does not realize that the interest return is abnormally reduced to him because a heavy tax is imposed on someone else.

Again Professor Corwin shows how to some extent states and municipalities are encouraged to borrow money instead of paying out of current income because they can borrow at extraordinarily low interest; and, still worse, the government forces the building up of a favored class upon whom it makes a motion as though it would impose a tax at a very high rate upon their incomes because their incomes are large, when in fact it does not impose any such tax because it offers them an exempt investment.

It is hard to understand why at the end of his admirable review of the law Professor Corwin suggests that Congress will limit the tax to future issues of public securities, state and municipal. He presents no argument to show that anyone ever bought a state bond or a city bond under any contract express or implied that there should be no United States tax upon the income of such bond. As a matter of fact, the buyer of a New York bond knew that if he lived in Ohio he would be called upon to pay an ad valorem tax equal to more than a 25 per cent income tax; and the same would be true if he lived in almost any one of the forty-seven states other than New York.

OUR LEGISLATIVE MILLS

VIII. A CONTRAST: THE SINGLE HOUSE LEGISLATURE OF ONTARIO

BY GEORGE M. WRONG
University of Toronto

WHILE social conditions in the Canadian Province of Ontario are very like those of an American state lying on the other side of the frontier, the political machinery of the two countries furnishes sharp contrasts. Canada, like all other self-governing parts of the British Empire, has adopted parliamentary government, which means chiefly that the executive is controlled by the legislative power and may be changed at any time at the will of this power. We all learn to value a system under which we live and which, though it may creak and strain, actually works. It is hard for an American to picture a political society in which the leader in a post similar in authority to that of the President, or of a governor of a state, may be turned out of office at any time by an adverse vote in the legislature. Yet this is what happens in Canada. On the other hand, Canadians can hardly realize how a system can work under which the executive head of the government has against him the majority of the representatives in the legislature. Both methods work reasonably well, and the wise man will try to get from one of them as much good as he can which will fit in with the other.

Ontario has a population of about three million people, chiefly British in origin, and in this respect is more homogenous than most states of the American union. It has grown slowly, so that newcomers have had room and time enough to assimilate without haste what was unfamiliar in their surroundings. Toronto, the capital, with more than half a million people, indicates what is the case, that industrialism is throwing a large; perhaps a too large, part of the population into the cities. When Charles Dickens visited the legislature of Nova Scotia he said that it was like seeing the British Parliament through the wrong end of a telescope. So, at Toronto, one sees, with differences of course, a legislature which preserves the traditions of the mother of Parliaments. The Speaker is an officer who, in the discharge of his duties, knows no party. He is robed as the Speaker in London is robed. Unless otherwise specifically provided, the rules of order are those of the British House. Legislation is enacted in the name of George V. The Lieutenant-Governor, the representative of the king, who appears at the opening of a session of the legislature, is received with military pomp and reads a "speech from the throne." Like the king, he lives in a palace provided by the state, and he can act only through ministers who represent the people.

The real ruler is the Prime Minister, supported by a majority in the legislature. He lives as a private citizen, has no official residence, keeps up no pomp of office, but none the less rules much more completely than the governor of an American state; for, while he is in office, he dominates both the executive and the legislative power. No one can be appointed to office, no law can be passed, no money can be voted without his approval. Yet, in the characteristic British way, the constitution barely knows that there is such a person as the Prime Minister. In name all official acts are done by the Lieutenant-Governor who, as a rule, merely signs what he is asked to sign. In an emergency he has some power, for, when one government is defeated, he has some discretion as to the person upon whom he will call to form a new ministry. Here again, however, he is held in check, for such a ministry cannot go on if not supported by a majority in the legislature.

Enough, however, of forms. What is important is to see the system in operation and to judge of its working. In Canada there are nine provinces, each with its own legislature, and each sending its quota to the federal parliament at Ottawa. This has two chambers, the House of Commons and the Senate. In the two provinces of Quebec and Nova Scotia, there are also second chambers, but the other seven Canadian provinces have a single chamber. In Ontario the members are elected for a maximum period of four years, but, if conditions seem to require it, the legislators may be dismissed, and an appeal may be made to the people, at any time. In the United States one can tell the exact day during many years to come on which an election will take place, but in Ontario there may be two elections in a single year. An election means an integral dissolution of the whole legislative body. There is no second chamber in which one half, or only one third, of the members are chosen at any one time. The appeal to the will of the people at the moment is clear-cut and complete. The newly chosen body exercises at once full authority, with nothing holding over from its predecessor. The term of four years gives it a prospect of endurance long enough to carry out a policy.

The legislature has, within its prescribed limits, untrammeled power. In the United States changes in the various constitutions are made under carefully guarded provisions. In Ontario a change in the constitution is made in exactly the same way that a law providing for roads or drainage is made. A simple act of the existing legislature could set up a second chamber. The legislature could reduce the number of its members by one half, alter the conditions of the franchise, and so on. There are no constitutional prohibitions. The legislature in Ontario can confiscate property without compensation, or set up a Church Establishment. It cannot, like an American state legislature, alter the criminal law, for that is under federal control. It cannot legislate regarding divorce, for that too is a federal matter. But it is not forbidden to do anything that may be within its powers. This feature, combined with the control by a single chamber, may seem to involve insecurity in relation, for instance, to property. But here operates another condition. The federal government has the power to disallow a provincial act. It is still in dispute in Canada whether the federal power should disallow any act, no matter what its tenure, which lay within the constitutional power of the legislature. Let the people of a province, it is said, turn out a government which passes bad laws and repeal these laws. Others think, however, that a conspicuously bad measure, infringing, for instance, on the rights of property, should be disallowed. In the past, numerous provincial acts have been disallowed. There is this safeguard, but the real check on unwisdom is in the quality of the electorate. The vast majority of the electors in Ontario are owners of property. In

Toronto more than sixty per cent of the people own the houses in which they live. The true safeguard is in the character and interests of the people. Ontario has not yet even thought of imposing any formal prohibitions on the legislature.

We thus have a single chamber, governing with that full sense of its own power which begets also a sense of responsibility. There is no provision for closure in debate, and none for limiting the length of a session. Experience has shown that the tendency to have two and only two parties is strong. Ontario has just dismissed a Farmers' Government which represented a third party, as against the historic Conservatives and Liberals, and the drift is now definitely to the unity of Farmers and Liberals in one party, against the Conservatives, who are in power. It is probable that in England there will be a similar drift towards union between Labor and the Liberals. When an executive government depends on the continuous support of a majority in the House, stability seems to require that this majority shall have a single party organization. While continental Europe does not as yet illustrate this truth, British experience does, and in Ontario, at least, there are likely to be only two parties. This avoids the forming of a "bloc," and the compromises involved in holding together diverse elements in support of a cabinet.

Ontario has not yet developed that distrust of legislatures found in the United States. There is a reason. The organization of political parties in Ontario hinges on a definite and permanent leader of each party. This leader, whether in or out of office, shapes the policy of his party, and he knows that if he comes into office he will have himself to take the responsibility of carrying it out. In the background is no private person, dominating party councils, who forces some one else to support a dictated policy. Political leadership is public and avowed. The leader of the party in opposition is as well known as the leader of the government, and when he wins an election every one knows what he stands for. The "boss" is eliminated; the system makes him impossible; the party leader is his own "boss." In Ontario there can be no sudden raids on the Treasury. Under the existing system no proposal to spend money can be received from any quarter than that of the government of the day. The last days of a session see no private members proposing new expenditure. The Budget system, now so much debated in the United States, is in full operation. If a prime minister decides to spend he must also tell how he is going to secure the needed money, and he must face a well-organized opposition to justify the outlay.

No legislature rises above the level of the community which it represents. In Ontario the members are only average men, with an outlook inevitably limited, and the legislature expresses this quality. This may be said, if debates are drab, they are practical. The legislators are not chiefly men from cities, passing laws for farmers and rural communities, but real representatives of the various types in Ontario. The standard of personal integrity is high. There is no law against lobbying, and enough of it takes place, but it is a legitimate mode of bringing a subject home to men, and the system is held in check by other considerations. The executive and the legislative power work together. In a state legislature nothing much happens if a measure supported by the executive is defeated. But, in Ontario, if a bill thus supported is defeated, the existing government goes out of power and the rival party takes office. Thus it is a serious thing for a supporter of the party in power to vote against it. If his leader opposes a measure, no lobbyist is likely to persuade him to help to turn his party out of office, unless his view is backed by a strong public opinion.

In Ontario, Committees play, of course, an important part in the work of government. A special committee may be appointed to deal with any measure, but there are standing committees, most of them large, which overhaul pretty thoroughly all public business. In 1923, in a House of 111 members, these were the Committees:

Standing Orders	48	members
Private Bills	87	"
Municipal Law	83	"
Railways	72	"
Agriculture and Colonization	58	"
Public Accounts	61	"
Privileges and Elections	41	"
Fish and Game	48	"
Legal Bills	20	"
Printing	15	"
Labor	24	"

The Committees sit in public and of each the quorum is nine. The government majority on the Committees has to meet the criticism of the opposition, and sometimes there are lively scenes. On an important measure many of the public are often present. All Committees report to the House. In the House itself no bill may be introduced which has not first been approved as to its form by the Law Clerk, so that, as far as possible, vagueness and confused statement are avoided. Every bill is considered, clause by clause, in Committees of the whole House, with a chairman who is not the Speaker, and in this Committce members may speak as often as they please on a bill, while in the House they may speak only once. These provisions are, of course, common to most legislatures, and are only mentioned here to show that Ontario follows standard traditions.

Summing up, one may say that no one proposes radical changes in the system. It is good enough. What is defective is the limitations of those who work it, common to all human effort. There is no demand for a second chamber, nor for the less frequent meetings of the legislature, nor for any limitations of its powers. It would probably be wise to reduce the number of members by one half, or at least one third. Fifty or sixty men could do the work as effectively as twice this number. If change comes it will probably be in this direction. At one time Ontario boasted that it had no debt. Now it has built and is building at great expense highways much needed. It has created a costly system of electric power at Niagara Falls and elsewhere, and it requires many million dollars a year for interest alone. But it receives an income on this latter outlay, and its credit stands high.

THE COMING OF THE TRAFFIC TOWER

BY C. E. JOHNSON

Chicago

The lack of control in traffic in many cities due to the enormous increase in the number of vehicles that the streets must accommodate makes it seem as though traffic were running wild. :: :: :: ::

You remember, years and years ago, —let's say back before 1910,—how roomy all of the streets seemed to be. Everybody, it seemed, had a horse and buggy at that time. To-day almost everyone has an automobile and these same streets are crowded. Sometimes you feel that it isn't a pleasure to drive. The man who has a truck that must pass through this traffic each day often wonders how it is that not more people are injured.

Think, if you can, of an increase in the number of automobiles each year of over one million cars. This is the average annual increase during the last ten years, and conditions seem to indicate that there will be a further increase of approximately 13 per cent during the years to come.

With this increase in traffic in your city, what is going to happen?

TRAFFIC SIGNAL TOWERS

Undoubtedly, as many cities have already done, yours will study means of regulating this traffic now and for the future. A method that has been experimented with for several years is what is termed a "traffic signal tower." These are generally built up in the center of the street to a height of approximately 22 feet, with a small coop or compartment for the patrolman. A bright, concentrated colored light is used as a means of signaling traffic and, when the proper reflectors and colored lenses are mounted according to the suggestions of lighting experts on this phase of traffic signaling, they can be seen for a half a mile during the day and at even greater distances at night.

In Chicago, Baltimore and Detroit uniform signal lighting has been adopted as follows:

"Red"—to indicate Stop.
"Amber"—to indicate Change of Traffic.
"Green"—to indicate Go.

The colors in New York City for traffic signal lighting are:

"Red"—to indicate Stop.
"Amber"—to indicate Go—north and south.
"Green"—to indicate Go—east and west.

These signals are controlled either automatically by a flasher or by an individual switch for each set of signals,—depending entirely on local conditions.

Towers like this are in use in Detroit, Baltimore, New York and other cities, and are now being experimented with in many localities. Of course where traffic is heavy day and night these traffic signal towers have been found to work out exceptionally well.

Many cities and towns have a much heavier traffic at night than during the day, on account of their location. In other words, they are possibly on a main road of travel which is very heavy with tourists returning from excursions, etc., at night.

SPOT-LIGHTS FOR THE COPS

Camden, N. J., probably has the record for handling traffic of this nature at night and Mr. J. W. Kelly, chief of the electrical bureau of Camden, feels that it is because their traffic officers are "spot-lighted" at night,—so that they are visible at a distance of over 1,500 feet. Mr. Kelly is responsible for the development of spot-light traffic lighting in Camden and has been of a considerable help to other cities in their problems in traffic lighting.

The method used is the suspension of an X-Ray projector unit suspended 22 feet above the street on a guy wire, or mounted on a street post by means of a goose-neck. By using a standard 200-watt (P. S. 30-bulb lamp) a bright spot of light 6 feet in diameter is reflected on the traffic officer and his signal standard, so that both are clearly visible. On rainy nights the spot-light used in the same way throws a very bright light on the umbrella that protects the patrolman from the rain and is equally effective.

Camden, as you may recall, is just across the river from Philadelphia. Traffic between these cities is always heavy, averaging from 12,000 to 15,000 automobiles on Sundays and holidays. Mr. Kelly, who is recognized as an authority on municipal electrical problems, says, "The Camden traffic officers are the best lighted in the world. Every night this is demonstrated. It is even more effective on Sundays and holiday evenings, when approximately 6,000 drivers try to crowd through the streets in about one-half hour on their way home from their week-end outing."

The type of traffic control that should be adopted by each city depends entirely on conditions. Signal tower or spot-light units might first be tried out in an experimental way, as Detroit did a few years ago. Their original tower was placed on one of the busiest crossings with three powerful reflector units, with the standardized color signals on each side. This has proven so satisfactory that twelve additional towers have been built in various parts of the city.

SIGNALS VISIBLE BY DAY

One very important item to bear in mind in connection with the signal towers is that they are used day and night. The reflector equipment and color lenses must be of a nature to give a very concentrated bunch of light that will be visible at a great distance. The lenses must withstand the heat of the lamp and the elements. Towers are generally constructed to a height of approximately 20 feet, with a firm, concrete base, which reaches up to a height of about two to three feet. The reflector units and lenses are mounted flush with the surface of the tower or on the top of it. Control of the light can be automatic, with the interval between red and green approximately two minutes, or controlled by the patrolman and a hand switch.

For emergency, to stop all the traffic, a master switch, which flashes on all of the red lights to stop, should be arranged for and a horn to signal all traffic in case of emergency.

You can learn from your state or city registration records of the increase of traffic you have seen in the past several years. If it measures even up to 8 per cent it is going to mean serious consideration must be given to traffic control problems. Can you estimate what the traffic will be in 1925, or even four years hence? To be sure, it is difficult, but this is certain: proper regulation of traffic not only reduces the number of accidents and collisions, but the fire hazard that results from congestion. These three very important items now merit the consideration of properly directing traffic in every city.

RECENT BOOKS REVIEWED

Municipal Government and Administration. By William Bennett Munro. New York: The Macmillan Company, 1923, 2 vols.

This two-volume work supplants Professor Munro's earlier books: "Government of American Cities" published in 1913, and "Principles and Methods of Municipal Administration" published in 1916. Supplementing one another, the new volumes are designed as text books in two distinct fields of municipal government,—the first dealing with history and organization, and the second with activities and methods.

The first volume covers subjects upon which much material has been written, but does it so thoroughly in Professor Munro's pleasant and lucid style, that it will no doubt continue a popular text. The new volume is entirely rewritten and rearranged and contains many additional chapters. The evolution of the city through the beginnings of early urban life to its present complexities is discussed, followed by a series of chapters dealing with the legal foundation of city government, the people's share in government as expressed by nominations, elections, parties, politicians, etc., and concludes with a treatment of the types of city government popular in America to-day.

The second volume dealing with municipal activities and methods promises to enjoy the same popularity accorded its predecessor. The earlier book pioneered in the subject of municipal administration, which is only beginning to receive the attention it deserves, and assisted materially in the rapid development of this field. By stimulating progress it made its own comments obsolete and its original shortcomings more glaring. The new volume covers the field in a far more satisfactory way. The chapters are double in number, and cover the outstanding activities of city government under the larger headings of administration, mechanism, city planning and public works, public safety, health and social welfare, utilities and finance. The character of the activities is described and compared with similar activities abroad, and the method of their administration discussed within reasonable limitations. The author has not dealt in any detail with this last question, largely contenting himself with a description of activities and a statement of the administrative problems involved, thus emphasizing again the desirability of agreeing upon a definition of municipal administration and delimiting its field. Certain activities such as selection of personnel by election and merit, collection and removal of public wastes, public works construction, and financial procedure, for example, are either dealt with summarily or omitted entirely.

A person of training and profession different from that of Professor Munro might have emphasized the importance of other activities, eliminated the comparative comment and enlarged on the details of administrative methods. In so doing, he would probably have written a summary treatise for technicians, and not a text book for undergraduates.

Lent D. Upson.

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The Effects of Tax Limitation Upon Local Finance in Ohio, 1911–1922. By Raymond C. Atkinson. Published by the Author, Cleveland, 1923.

Dr. Atkinson's book is the most exhaustive and convincing study that has appeared on the subject of local tax limitations. While the volume deals primarily with the situation in Ohio, it contains a large amount of material drawn from other states in the Union. In fact one of the very useful features of the book is its survey of tax limit legislation in the United States and the table which appears in the appendix presenting a digest of the constitutional and statutory tax limit provisions.

Dr. Atkinson's discussion is primarily historical, beginning with the movement leading up to and following the notorious Smith one per cent law. He reaches the following conclusions:

1. Tax limitation in Ohio has proved a failure on one important point which was ardently advanced in its support by its advocates: it did not result in a complete listing and a full value assessment of personal property under the general property tax as had been hoped.
2. It did, however, succeed materially in retarding the increase of taxes, whether measured by per capita levies or by tax rates; but this object was achieved less by an actual curtailment of current expenditures than by the issue of bonds and notes.
3. Schools were less hampered by the restrictions imposed by the law than were other municipal services. Both in per capita costs and in

per pupil costs of education, the cities of Ohio maintained about the same relative rank among those of the rest of the country as that which they had held before the enactment of the law.

4. Naturally, this made the municipalities the chief sufferers under the law, and compelled them to finance a portion of their indispensable current expenditures not alone by bond issues but also by raids on the sinking funds—raids conducted by the simple expedient of withholding appropriations which should have been made to them or else by actual withdrawals from previous accumulations under the guise of payments for court judgments.

5. Tax limitation has not encouraged efficiency in governmental services, but has tended rather to curtail such services and to encourage shiftless methods.

These conclusions with a single exception are based on elaborate statistical material covering every phase of municipal and school finance in the state of Ohio. The exception is the last point, and here it must be remembered that Dr. Atkinson is not the first person who has failed in the effort to measure the comparative efficiency of city governments or to judge the comparative services rendered in various communities.

Is the ten-year span covered by this volume a long enough period for a study of the effects of tax limitation? Certainly it is long enough to indicate some things pretty clearly. But on one point at least more time is needed. This is Dr. Atkinson's second conclusion that tax limitation has served to "check the increase of tax revenues" and to "limit the burden of taxation" (pp. 115, 116). If Ohio should abandon the Smith law and tax limitation as has already been done partially, Ohio tax rates might climb in a few years to an equality with non-Ohio rates. Since service has been curtailed and a $50,000,000 burden passed on (p. 119) rapidly increasing rates would not be surprising. In fact the experience of Massachusetts and New York state may be cited as showing that tax limits do not limit *in the long run.*

If there are any weaknesses in this book, they are due rather to the narrowness of the point of view than to the method and thoroughness with which the author has pursued his work. Is there any state in the Union which has a tax system so poorly adapted to its economic conditions as Ohio? And is there any large industrial state which enforces its tax law as inefficiently? Even if there be states that rival Ohio in these respects, the situation is so serious that it is difficult to take one phase of the problem, such as tax limitation in local finance, and attribute to this a predominant causal effect upon the course of municipal finance and administration. Dr. Atkinson has been extremely careful of this point and repeatedly states that there have been other factors at work, but even so one is inclined to feel that the desperate character of the Ohio situation is due to the state tax system and to debauched administration to a greater degree than a reader might conclude after reading Dr. Atkinson's discussion.

It is disappointing to find that the author has made no use of modern statistical devises for computing relationships between various series of facts. Many of his tables would lend themselves excellently to the computation of correlations. Those who study government seem to be rather slow in utilizing recognized statistical measures of comparison. One would also be inclined to commend to Dr. Atkinson's attention the brief but suggestive report of the committee on standards of graphic presentation. The charts in this book serve to enhance the value of the tables, but they could have been improved if they had been made to conform more closely to accepted standards.

Dr. Atkinson is thoroughly scientific and dispassionate in his presentation of the Ohio problem. His style is clear and his material is brought to a focus. As a result this book is a real case book in public finance.

LUTHER GULICK.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Financing Extensions to Water Supply Systems.—Sound financial policy in the matter of making extensions to water supply systems is essential to the economical administration of these systems, and yet it is only comparatively recently that serious attention has been given by water supply officials to the basic requirements of such policy. This applies particularly to municipally owned water works where equity demands that the burden entailed by extensions into undeveloped new territory shall not be borne by consumers located in old territory. The two common methods of financing water supply extensions which afford a means of guarding against injustice to existing consumers are the assessment method and the guarantee-revenue method. Experience has demonstrated that the former is the more equitable one to apply in financing extensions to municipally owned plants. Helpful suggestions concerning the primary considerations to be met in formulating a sound policy to govern these matters are contained in a paper presented by Caleb Mills Saville, manager and chief engineer, Water Works, Hartford, Conn., before the last convention of the American Water Works Association. Mr. Saville's comments on this subject are substantially as follows:

Financing extensions from the tax levy has little or no sound basis, unless it be done in lieu of taxation to meet the cost of fire protection furnished by the city without charge. Even then public utility decisions are against such scrambling of accounts, and generally unite in holding that a water department should receive cash for what it supplies to the city and in return should pay cash for what the city supplies to it.

The word extension is taken to mean the installation of a water pipe of size sufficient to provide proper domestic and fire protection service for the immediate locality, with the water department assuming all cost in excess of the above which is necessitated for the good of the service.

The guarantee method is proper if the payment in rates or otherwise received from the extension is sufficiently large to cover not only the proper portion of all maintenance and operating charges of the water department service but also to pay interest and depreciation on the extension. It is not proper if the guarantee is so small that either water is given away or the burden of the investment is carried by the consumers as a whole.

In some municipal instances the water rates would never meet the conditions named as proper, but the administration goes serenely on, and when the income of the department becomes too small to meet expenses, rates are raised. The best and surest remedy for this condition is governmental regulation of municipally-owned utilities as well as of those under private operation.

With a privately operated utility it seems proper to use the guarantee method, as the profit in the water rates should be sufficient to finance the extension after full development of the locality. With a publicly-operated utility run substantially at cost there appears to be no argument for the use of this method unless it be for an amount in addition to water rates and sufficient to pay interest and amortize principal in a given term of years. This solution logically leads to the assessment method of financing water main extensions.

Some other objections to the guarantee method for use in municipally operated plants are: (1) Difficulty in getting all abutters in a street to be participants in the guarantee; (2) increased return in property valuation to all abutters on the extension at the expense of those who are uniting to undertake the burden; (3) the fact that through over-enthusiasm as to development it may be many years before a return is available sufficient to extinguish the guarantee; and (4) such a combination of conditions that the property may never return an income from water sufficient to meet the guarantee on the cost of the extension, even excluding cost of water supplied.

In the application of the method of special assessment the following conditions should be observed as equitable and reasonable:

1. The water department should determine whether the extension is required by public convenience and necessity and when so decided should establish a definite means for assessment based upon the average cost of laying a water main of proper size to supply both domestic and fire protection service to the street in question.

2. The water department (for the municipality) should pay that proportion of the cost which is for general benefit, usually from one-fourth to two-thirds the cost of the extension.

3. Two methods seem applicable for payment of the assessment: (a) A frontage tax against all abutting property which may be served by the extension; (b) an "entrance fee" for the privilege of connecting with the water main, based on lot frontage.

4. The assessment should be payable in a lump sum or in installments during a fixed term of years.

Need for Fire Escapes on All Apartment Buildings.—The need for the enforcement of rigid requirements in respect to providing fire escapes on all buildings used as apartments or tenements was forcibly demonstrated once more in the destruction by fire of a building of this character, together with the loss of six lives, which took place on October 15, 1923, at Bath Beach, New York City. Lawson Purdy, chairman Tenement-House Committee of the Charity Organization Society of New York, comments on this disaster in a letter to the *New York World* as follows:

> The building in question, a frame building without fire escapes, seems to have been one of a class numbering close to six thousand in the City of New York which have been changed, under plans filed in the Bureau of Buildings, from private dwellings into apartments for three or more families, living independently of each other and doing their own cooking on the premises. Such buildings generally become illegal tenement houses. They are altered under plans which declare that the families will not do their cooking on the premises and that the buildings are not tenement houses. Not being tenement houses, there is no authority in any city department to require them to provide fire escapes or to safeguard the occupants against the imminent danger, always existing in such houses, of fatal fires.
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> The Tenement-House Committee of the Charity Organization Society in May, 1922, called the attention of the Board of Aldermen to this dangerous condition, and suggested the passage of an ordinance which would empower the superintendents of buildings to require that all such buildings have adequate means of egress in case of fire. This matter is still on the calendar of the committee on buildings of the Board of Aldermen, no action having been taken upon it. If it could be adopted by the board it would present the quickest and readiest way of dealing with the situation that we have described above. The Tenement-House Department might deal with such cases if it were given sufficient force to do so. For years past it has been unable to deal with border-line cases.

Although accurate data are not available on the extent to which conditions which produced the Bath Beach tragedy exist in New York City, it is fair to state that not less than 20,000 families are subject to this serious hazard. A situation similar in character to that existing in New York City undoubtedly obtains in every other large city and many of the smaller cities throughout the country. Courageous and prompt action in the matter of controlling alteration in residences for the purpose of converting these into apartments and also regulating building occupancy will go far towards reducing the very serious hazard which now exists. The accomplishment of the latter should demand the serious attention of the public as well as that of the governmental officials.

✤

Comprehensive Plan for Handling Municipal Waste, Paris, France.—Collection and disposal by contract of all classes of municipal refuse, intensive reclamation of salvageable materials from the waste products, and the extensive development of power as a by-product of the disposal process are features of the system of refuse collection and disposal operating in the city of Paris, France. The essentials of the system are outlined in the *Engineering News-Record* of November 22, 1923, together with editorial comment thereon as follows:

> The mixed refuse is collected by hundreds of motor trucks, owned by private companies and driven by chauffeurs provided by the company but directed and loaded by the city. These trucks deliver the refuse to four disposal plants where, by means of sorting, screening and grinding, all the material of commercial value is reclaimed for utilization. The residue goes to furnaces which yield still further by-products—heat, which is converted into steam and thence into electric current, and clinker, which is made into brick. The city seems to exercise such a complete control of refuse collection as will enable it to insure good service, while the disposal contract seems on the one hand to guarantee a fair profit to the contractor and on the other to be well designed to give the city a share in any excess over fair profit.
>
> All the data at hand indicate that the Paris plan is worthy of careful study by cities and by engineers concerned with garbage and refuse disposal, in whatever country located. By this we do not mean to advocate mixed as against separate collection and disposal of city wastes, nor sorting, screening, and incineration against any other method of final disposal, nor, least of all, do we mean to advocate private rather than public agencies for collection and disposal of municipal refuse. What we do urge is the same careful attention by other municipalities as seems to have been given by Paris to working out a system of refuse collection and disposal adapted to local conditions, which, if private agencies are employed will protect them against undue risk, while at the same time giving the city some share in the profits, if any, from utilizing municipal wastes, all to the end that the net combined cost of refuse collection and disposal, which is bound to be considerable in any case, may be cut to the lowest figure compatible with good service.
>
> Paris affords a notable example of the change in the incineration of mixed refuse that has been going on abroad of late—in part led by Paris. In

that city, and in a rapidly growing number of British towns, the entire collection of mixed refuse does not go to the incinerator. Instead all material of commercial value is salvaged; paper, etc., for sale, garbage and fine ash to go to land for its fertilizer value and for the physical improvement of the soil. In particular, it is to be noted that by eliminating ashes and as much as may be of other incombustible waste, the calorific value, pound for pound, of what goes to the furnaces is greatly increased, while the furnace output, for rehandling and final disposal, is not only much decreased, but what does remain is almost wholly a clinker—useful abroad, whether or not it would be in America, for making brick or concrete. It should be noted also that all this applies to mixed refuse only, and not to furnaces for burning garbage alone or garbage mixed chiefly with paper, tin cans, bottles and the like, as is the case in so many American municipalities that have attempted incineration.

In conclusion, it is well to remember that although a considerable number of American cities have installed equipment to utilize the heat generated by burning city refuse, but rarely has any of the heat generated been used except at the disposal plant, if even there. Under existing conditions, there seems, if anything, less chance of heat utilization in this country than there has been in the past. This makes all the more interesting and important the results that may be achieved at Paris when the enlarged plant and new scheme are in complete operation. It is hoped that careful records will be kept and will be made available.

It is interesting to note that the apparently satisfactory manner in which waste collection and disposal are handled by contract in Paris runs directly counter to the experience in these matters of large cities in the United States. That is to say, it has been found more economical and more satisfactory in respect to collection service in the latter cities to have the work done by municipal forces rather than by contract. It is true that the city of Boston, Mass., at present is considering a plan under which both the collection and disposal of refuse is to be done by contract. If the latter experiment proves successful and the experience of Paris may be of substantial value to the city of Boston in overcoming past obstacles to securing satisfactory handling of this work by contract, this accomplishment will be of real value to other cities which are wrestling with the vexatious problem of refuse collection and disposal.

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Standard Specification for Structural Steel.—A standard specification for structural steel that can be incorporated in the building code requirements of any community with the assurance that it will not alone provide for safety in construction but enable effecting substantial economies in the cost of building has recently been gotten out by the American Institute of Steel Construction of Cleveland. The primary purpose of this specification, which is the work of a committee comprising certain of the most prominent authorities on structural design in this country, is to bring about uniform practice in the structural steel industry by the adoption of a rational basis of design. This is obviously the correct method of approaching the problem rather than by first attempting to standardize building code requirements. The theory of structural steel design outlined by the committee in the specification represents a most valuable contribution to that subject. The professional standing of the members of the committee is sufficient guarantee of the soundness of the system proposed. Its authoritative character together with the somewhat radical departure from accepted methods which its rational basis involves should exercise a marked influence over methods of teaching steel design as well as the drafting of building code requirements.

It is not generally known that the standards governing structural steel design at present have no rational basis but are largely the outgrowth of more or less arbitrary assumptions concerning the behavior of steel under stress adopted to govern the use of Bessemer steel which appeared on the market about 1885. It was at this time that the unit stress of 16,000 pounds per square inch came into use and immediately after the various cities throughout the country began incorporating in their building codes requirements based on information published in the different mill handbooks. With the introduction of the open hearth process for making steel it was possible to produce steel of more uniform quality than Bessemer steel and hence safer for building purposes. Although the quality of the steel has improved there has been practically no change in the design standards employed for the past thirty-five years. Naturally the dominating consideration in design requirements is the permissible unit stress of the material concerned. The committee selected 18,000 pounds per square inch as the basic unit stress for steel in the specification in question. An idea of the economic advantage that can be obtained from the universal adoption of this specification is manifest when it is considered that the increase in permissible unit stress 16,000 to 18,000 pounds per square inch means a reduction of approximately twelve and one-half per cent in the material required to meet any particular set of design conditions. The steel frame in a modern building represents from 15 to 20 per cent of the entire cost of the structure. Hence any reduction in the amount of steel required represents a saving. It is stated that the architect of the Board of Education of Cleveland estimates that the adoption of the institute specification by that city in the matter of school building construction alone would effect an annual saving of at least $150,000. Over the entire country the potential saving would undoubtedly amount to several millions of dollars annually. It is of course essential that there be rigid adherence to the methods of design outlined in the institute specification. The American Institute of Steel Construction and the committee that formulated this specification deserves the highest commendation for its accomplishment. The unquestioned demand for a specification of this kind is demonstrated by the number of cities that already have incorporated its requirements in their city ordinances or are considering such action. Its economic value to the public demands the widest application of the requirements and standards stipulated. The accomplishment of this end should receive the heartiest support of city officials, architects, engineers and the public.

✤

State Control over all Motor Vehicle Operators in New York State.—State control over all operators of motor vehicles in New York State as a means of reducing the hazard to the public resulting from reckless driving is proposed in a bill now under consideration by the New York State Assembly. This measure, which is far more drastic than the present regulations governing motor vehicle operation and embodies the views of Governor Smith on this important matter, proposes establishing the position of state commissioner of motor vehicles to be named by the state tax commissioner and removable by the president of the commission. His powers include:

Appointment of deputies, inspectors in every county, deputy inspectors and examiners.
Complete regulation of the licensing of automobiles and automobile drivers.
Determination of the capability and fitness of any applicant to drive an automobile.
Revocation of the license of any driver who violates the state law or the traffic ordinances of any city or other political subdivision of the state.

Among the offenses for which licenses may be revoked are:

Physical or mental unfitness to drive.
Violation of the State law.
Three convictions of violation of local traffic ordinances.
Intoxication or proof of the use of habit-forming narcotic drugs.
Proof of conviction of a felony either before or after the issue of a license.
Conviction of recklessness in driving, which endangered human life or imperiled human safety.
Proof that the holder of the license permitted the vehicle to be used in the commission of a crime.

Under the law every sheriff, police officer or other peace officer in the state is required to carry out its provisions, and the commissioner has authority to deputize the officers of any motor club to assist in enforcing the act.

Immediately on the conviction of any person holding an automobile driver's license of any offense the court is required to transmit the record of the conviction to the State Vehicle Bureau. This is in accord with the governor's suggestion for a central record and identification bureau.

The provisions of the bill to prevent automobile thefts and the use of automobiles in the commission of crime require the recording of a deed of sale whenever a motor car changes ownership, and the presence in the car at all times of the certified certificate of transfer of title. This measure if enacted should be helpful in reducing the appalling number of people killed and injured each year as the result of motor vehicle operation. It points the way for other communities to take appropriate action in this matter.

✤

Unreasonable Bonding Provision Invalidates Motor Bus Ordinance.—The importance of reasonable provisions in city ordinances is again demonstrated by Mason City, Iowa, where an unreasonable requirement for bonding motor buses invalidated an otherwise satisfactory city ordinance. According to the Bulletin of the National Tax Association for December, 1923, the ordinance in question provided for licensing, regulating and taxing the operation of vehicles upon its streets, engaged in carrying passengers for hire over fixed routes. An annual license tax of $300 was required for each such vehicle carrying ten or more passengers, and a bond of $50,000 was required for each bus. The ordinance prohibited anyone operating such vehicles from taking on or discharging passengers within one block of any street car line.

Action was brought by an operator to restrain the city from enforcing the ordinance, on the grounds that it had no power to pass the ordinance, and that it was so unreasonable as to render it invalid.

The court held that under the statutes of Iowa, the city was authorized to enact an ordinance requiring one operating motor buses for hire to take out a license and to regulate its business or such part of it as was carried on within the city limits; that the use of the streets for such purpose was extraordinary, which justified the provision requiring the consent of the city.

The plaintiff contended that the ordinance was unreasonable, in that it prohibited it from operating on a street where a street car line was operated, and from taking on or discharging passengers within one block of a street car line. The court denied this contention, holding that the statute authorized this, in order to provide for the safety of the public and to avoid congestion and disorder.

The contention that the annual license tax of $300 for each vehicle was unreasonable was also denied, the court observing that the plaintiff was exempt from the ordinary taxes upon his property, which would have amounted to more than the license fee demanded.

Finally, it was contended by the plaintiff that the ordinance was unreasonable because of the requirement that a bond of $50,000 should be furnished for each bus, which was prohibited. The court sustained this contention, holding the provision so unreasonable as to render it invalid.

AMERICAN CIVIC ASSOCIATION NOTES

EDITED BY HARLEAN JAMES

Secretary

National Parks.—The orderly expansion of the great National Park System of the United States is threatened by the difficulties which must be overcome to pass a bill by the Congress. For seven years bills have been pending in Congress to extend the present Sequoia National Park to include the scenic canyons of the Kings and Kern Rivers with some of the most beautiful crests in the Sierras. The bills were first introduced into the 65th Congress and in 1919, during the 66th Congress, the Phelan bill actually passed the Senate but met with opposition in the House.

Representative Barbour introduced the bill into the 67th Congress, but although it was generally conceded that a majority of the members of the House would vote favorably for the creation of the Roosevelt-Sequoia National Park a minority opposition was able to prevent the bill from coming up on the floor of the House.

Representative Barbour has again introduced the Roosevelt-Sequoia bill into the 68th Congress. In the south the boundaries include a larger area than was included in the bill which was pending in the 67th Congress, but not so large an area as the bill which was favorably reported by the House committee in the 66th Congress. Now it appears that a sudden opposition has developed to the Kings River area on the part of irrigationists who want to use the magnificent canyons of the Kings, not to store water for irrigation, for the Pine Flats project will take care of that, but for power development to reduce the cost of the irrigation development by the sale of power and to reduce the cost of the by-power needed by the farmers. Thus we are fairly facing the financial gain to a few local people against the great national use by all the people of one of the most stupendously beautiful areas in all the Sierra watershed.

The friends of the national parks will make every effort to enlarge the Sequoia National Park to include both the Kings and the Kern Canyons; but it may well be that the Kern country should be placed beyond the easy reach of commercial exploitation at this session of Congress if it can be accomplished. But this will mean that a most determined effort should be organized to secure the Kings River country in the next Congress. There seems to be no good reason why the Kern country should be jeopardized because of the opposition to the inclusion of the Kings Canyon in the park.

It is to be hoped that the seven years of effort to preserve to the people of the United States these areas, which are of undoubted national park quality, will result in some gain. All friends of the parks may aid the cause by asking their own senators and representative to vote for the Barbour bill to enlarge the Sequoia National Park and create the Roosevelt-Sequoia National Park.

Senator Walsh of Montana has not only reintroduced into the 68th Congress his bill to dam the Yellowstone River (S. 311) and thus secure a free franchise for the use of the top of Yellowstone Lake to store water for the benefit of a few prospective settlers and a few local people; he has also introduced into the Senate a bill (S. 313) to appropriate $10,000 for a survey of Yellowstone Lake, "with a view to determine what injury, if any, would be occasioned to the scenic features or other attractions of the park." This move is evidently taken following the suggestion of the then secretary of the interior, Albert B. Fall, in his report on the substitute Walsh bill of the 67th Congress. All those who are opposed to commercial exploitation of our national parks will aid the cause by writing to their Senators stating their views.

More than a dozen bills have been introduced into the 68th Congress to create national parks. Some of these are gift parks though in many cases the annual sum needed for improvements and upkeep would be greater than the initial value of the area. The creation of a national park is considered in some sections as an excellent means to stimulate the building of federal roads and the fostering of a valuable tourist travel. So, while we experience difficulty in setting aside areas of great natural beauty and magnificence because of the desire of local citizens to transform matchless valleys into reservoir sites for power purposes, we find many areas, manifestly not of national park standard, offered as gifts to the

Federal Government. It is obvious that such bills should be opposed.

In order to set up a measuring rod for proposed national park areas, the Council on National Parks, Forests and Wild Life (formerly the National Parks Committee) has attempted to define with great particularity the standards to which national parks should conform. Last year, too, the American Civic Association issued a Park Primer, which is still available, in the attempt to set forth short definitions distinguishing national, state and local parks of various descriptions.

In the annual report of the director of the National Park Service, recently issued, Director Mather proposes "a super-scenery survey of the entire country" . . . to be made "by a commission of nationally known men, prominent in their respective professions, and under direction of the secretary of the interior in co-operation with the various states." Such a survey in the hands of scientific and professional men would place at the disposal of the people information which could be followed when proposed measures to create national parks are introduced into Congress, for no one can doubt that such bills will increase in number. Such a report would forestall the purely local demand which would scatter national parks, regardless of qualifications, in every section of the United States.

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State Parks.—Fortunately the state park systems stand ready in most instances to absorb areas suitable for state parks, but not qualified to enter our national park system. The development of state scenic and recreation parks during the past few years has been of great significance. The State of Michigan alone has nearly half a hundred state parks, due, in part, to gifts of generous citizens. These links between the purely local municipal parks and the greater national parks are serving to round out a balanced system of parks and parkways which will serve the different needs of the American people.

The Fourth National Conference on State Parks will this year be held at Gettysburg, Pennsylvania, on May 26, 27 and 28. Gettysburg is reached by good motor roads from all directions and it is expected that a great many delegates to the conference will make a holiday of the trip and come in their own cars. Civic leaders who are interested in initiating or extending state parks in their own states will find much of interest and profit at the state park conference.

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Federal City Committees.—The Boston Society of Landscape Architects held a dinner conference on January 28 to consider the needs of the Federal City. The conference passed a resolution that Congress be urged to "take action to provide for the restudy and extension of the L'Enfant plan to include all the District of Columbia and to secure the co-operation of the adjacent states in a Regional plan." The president, Mr. Loring Underwood, appointed Mr. Arthur Shurtleff chairman to form a Boston committee on the plan of the Federal City.

Mr. Henry A. Barker has taken the chairmanship and will form a similar committee in Providence, Rhode Island. At a conference arranged by Mr. Richard B. Watrous, held in the library of the Providence Chamber of Commerce on January 29, much interest was shown in the future of Washington. Mr. William E. Foster, the famous librarian of the Providence Public Library, had sent to the Chamber of Commerce for exhibit a most interesting collection of books, reports, photographs and maps on Washington. There is no reason why the Providence committee should not make itself entirely familiar with the literature of the Federal City.

Mr. Mark Skerritt has undertaken to form a Worcester (Mass.) committee and Mr. George Gardner a Springfield (Mass.) committee on the federal committee.

The Philadelphia Committee on the Plan of the Federal City, of which Mrs. Edward W. Biddle is chairman, held a conference which was attended by a hundred and fifty civic leaders in Philadelphia on February 7. Mr. M. B. Medary, who has done so much for the development of Philadelphia, now a member of the National Commission of Fine Arts, spoke on the Washington plan, and the secretary of the American Civic Association spoke of the pending bills in Congress.

The Committees on the Federal City are asked by the American Civic Association to urge the passage of the Park bill (Senate 112; House Bill 49) to create the Capital Park Commission, as the initial enterprise of the Washington Committee. A copy of the bill is printed on pages 45–46 of the preliminary report by the Washington Committee of 100 on the Federal City to the American Civic Association.

April Conference in Washington.—The American Civic Association will be twenty years old on June 10, 1924. Late in April, one year from the launching of the Washington Committee on the Federal City, a one day's anniversary conference will be held in the Capital of the Nation which will include a session of retrospect and prospect and a dinner conference on the Federal City with representatives from the fifty or more committees on the Federal City in attendance. In the afternoon a planning trip of the District of Columbia will provide entertainment and information for the out-of-town guests.

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Printed Matter Available

Report on Recommended Minimum Standards for Small Dwelling Construction, prepared by Advisory Committee on Building Codes, Division of Building and Housing, Department of Commerce. Price 15 cents.

New edition Standard State Zoning Enabling Act, Division of Building and Housing, Department of Commerce. Free.

Zoning for Iowa Cities and Towns, published by the Iowa State College of Agriculture, and Mechanic Arts. Free.

Tourist Camps. Published by the Iowa State College of Agriculture and Mechanic Arts. Free.

Rural Planning—The Social Aspects, published by the United States Department of Agriculture.

Plea for a City Plan, prepared for each member of a meeting in Galveston, Texas.

How to Own Your Home, prepared by the Division of Building and Housing, Department of Commerce. Price 5 cents.

Billboards, Leaflet No. 4, prepared by the Municipal League of Harrisburg, Pa.

Railroad Crossings, Leaflet No. 5, prepared by the Municipal League of Harrisburg, Pa. Free.

Illumination or Advertisement, an answer to the question, "How much light should be provided on business and residence streets?" J. Horace McFarland. Reprint from NATIONAL MUNICIPAL REVIEW. Free.

Roadside Planting and the Care of Trees and Shrubs Along Highways, reprinted from *Concrete Highway Magazine* by Portland Cement Association. Free.

Better Homes in America, guidebook for demonstration week, May 11–18, 1924, issued by Better Homes in America, an educational organization incorporated in the State of Delaware, 1923. National Headquarters, 1653 Pennsylvania Avenue, Washington, D. C. Free.

Series of Billboard Leaflets issued by National Committee for Restriction of Outdoor Advertising. Free.

Preliminary Report by the Washington Committee of 100 on the Federal City to the American Civic Association, January 3, 1924. 97 pages. Free to members of American Civic Association.

What Everybody Should Know About Parks, The American Civic Association's Park Primer. Single copies free. 2 cents each in quantity.

NOTES AND EVENTS

A. E. BUCK

Maryland's Short Ballot Commission Reports to Governor Ritchie that it has read "Short-Ballot Principles" by Richard S. Childs together with numerous other pamphlets and articles on the same subject, and a majority of the commission has been thoroughly converted to the short-ballot principle and heartily approves of its application where needed. The commission reports, however, that there is very little need of it in Maryland, since already there are fewer elected officials than in most states. Only four state officials are elected by the people, namely, the governor, the controller, the attorney general, and the clerk of the court of appeals. The commission states that if it were preparing a constitution for the state it would provide for the clerk of the court of appeals to be appointed by the judges of that court; and it also says that there are good reasons for the appointment of the attorney general by the governor.

As to local officials, the commission says the surveyor might well be appointed by the county commissioners for the counties and by the mayor of Baltimore for the city; but the commission is of the opinion that since this officer and the clerk of the court of appeals are constitutional officers, the advantages to be derived from making these positions appointive will not justify the expense involved in submitting constitutional amendments. As to the sheriff, the clerk of the court, the register of wills, and the state's attorney, the commission says that it doesn't agree with those who contend that the candidates for these offices do not attract sufficient public attention to produce intelligent voting, nor does it believe that the people of the state want to make these officials appointive. It goes on to state that more interest is generally aroused in these positions than in some of the state-wide offices or candidates for the congress or the legislature.

With reference to Baltimore the commission says that while the city's ballot is longer than in the counties, there is usually not over thirty-two candidates to be voted for, whereas there is usually one hundred or more in some of the other cities. However, the commission is of the opinion that the ballot in Baltimore could be shortened by providing for the election of one clerk of the court instead of six.

Home Rule Legislation in New York.—A recent hearing on the home rule enabling act showed a substantial unanimity of opinion in favor of modifying the proposed law so as to provide checks on city officials and city legislative bodies. Friends of the home rule amendment certainly never had in mind that home rule meant giving to city officials without a referendum vote and without regulation by general state laws all the power over local government hitherto exercised by the state legislature. The object was to give each city a constitution of its own to be amended only after popular vote, and an administrative code which could be changed by the local legislature with the approval of the executive. Certainly no one laying any claim to a knowledge of the history or working of municipal government in this country would dream of allowing city officials and legislatures to change almost the entire framework of city government without some kind of a referendum or suspensive referendum. Similarly, it is difficult to see where the Home Rule Commission got the brilliant idea of allowing charter commissions to be appointed by the existing city authorities or elected by the people without any restrictions as to the manner of choice. The state constitution provides in detail for the membership of constitutional conventions. What can be done for the state can certainly be done for the cities. The idea of the Home Rule Commission in drafting its enabling act seemed to be to quote the constitutional amendment adopted last fall, pitch all the powers over local government at the city officials and to leave all the questions of conflict of jurisdiction and interpretation of the amendment for the courts to determine. The enabling act is a most disappointing piece of work. Had the Home Rule Commission got under way in July when the governor made his appointments, instead of in December after the other appointments were made, we might have had a better enabling act and some general laws to clarify the situation. As the matter stands, there is an open question as to whether it would be best to have no legislation at all during this session or to improve the enabling act. The principle of home rule is all right. The home rule amendment was as good as such an amendment could be. We require a little statesmanship to make the amendment effective. We may as well recognize that a bad start has been made and begin over again. In the meantime no damage is done. In fact, a year without local legislation at Albany might be a very good thing for the state.—*From State Bulletin.*

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Port Huron, Michigan, Defeated a City Manager Charter at a special election, by a vote of 2,144 to 4,394. For several years the business leaders of Port Huron have been trying to get away from the present commission plan, and after strenuous opposition, including one appeal to the state supreme court, to remove technical obstacles, the issue came to a vote. Reports indicate that the "city hall crowd" of political office-holders have become so entrenched as to be able to defeat the city manager project with arguments about "one-man power" and "invitations to extravagance." The single daily paper and the Kiwanis Club led the fight for the manager plan. The public mind for several years, too, had been upset by alleged scandals in some departments. It is said to be a case where any good enterprise would suffer defeat because of failure to consider the factor of information, without prejudice—that twilight zone of "politics." Still Michigan leads the union in the number of cities having the manager plan of government.

W. P. L.

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The Virginia Commission on Simplification and Economy of State and Local Government submitted its report to the legislature in January. The report as printed contains 233 pages, yet the commission says that because of lack of time and funds it represents only a beginning of the work. The commission recommends with reference to the state government that certain partial consolidations be made immediately. It recommends that constitutional changes be made eventually so as to consolidate the state administration into 12 departments, viz.: Executive, finance, education, public welfare, public health, agriculture, corporation council, labor and industry, conservation, highways, law, and military affairs. Some of these departments are to be headed by boards.

The commission also recommends that the state immediately take steps toward self insurance against risk in fire losses, the plan to be developed on a strictly scientific basis with definite provisions as to insurance reserve. It further recommends that the state carry its own risk with reference to workmen's compensation liability on employees in its various departments and institutions.

On taxation, the commission recommends that "a more equitable distribution of the tax burden be provided, with means for the assessment of property heretofore escaping taxation, with reduction of the tax rate, and for the collection of information showing the market value of real estate."

In its study of local government the commission gave most of its attention to the abuses of the fee system. The report shows that over fifty county officials in the state receive from the fees more than $5,000 each per year. So the commission recommends that definite salaries be fixed by the legislature for the various county officials and that no salary exceed $5,000, except in cities of more than 50,000 population where the city may supplement the salary from its own funds.

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Chicago Voted on Four Tax and Bond Propositions at the Last General Election.—One was for an additional tax of 25 cents on each $100 of assessed value of property to be used for school building purposes and the purchase of school sites. Another was for bonds amounting to $2,650,000 for the construction of the proposed LaSalle bridge. The third one was for bonds amounting to $2,000,000 for the establishment and improvement of parks and boulevards of the West Park district. The fourth one was for a Cook County Forest Preserve District Zoölogical Park and a tax to pay the cost of the same. All the proposals carried except the one for the zoölogical park. It seems that the school teachers in campaigning for the school building tax attacked the proposition for the zoölogical park, using such slogans as "seats for children, not for monkeys" and "seats for children, not for lions" quite effectively.

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Reorganization of State Government Again Up in New York.—Governor Smith recently sent another special message to the legislature on the subject of state reorganization. The reforms advocated by Governor Smith were recommended by the Republican majority in the Constitutional Convention in 1915, and were put into the Democratic platforms of 1920 and 1922. Despite their non-partisan character and their support by such men as Elihu Root, who spoke of them as a needed check on "invisible government," they have not yet been adopted by the legislature.

To quote directly from Governor Smith on the subject of fiscal reform: "There has been an improvement in state government in every direction except in the manner and method of appropriating public moneys. The present method may have been adequate when the state's annual bill amounted to $9,000,000. Now that we spend annually, in round numbers, $150,000,000, it is utterly inadequate. The executive budget is our insurance policy against constant increases, and, with the other reconstruction proposals, our sole guarantee of efficiency in state government. It is high time to stem the rising tide of demand on the taxpayer."

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The Detroit Bureau of Governmental Research has issued an interesting and instructive pamphlet on "The Debt of the City of Detroit." The bureau sets forth the present condition of the city debt and outlines the problems that are facing the city in this regard in the near future.

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The Editor of the "Review" writes from Havana while on his way to Nicaragua: "Cuba needs a survey. The government appropriated $18,500 recently to wash the monuments in Havana. Two men did it with Sapolio for $800." Aside from the budget question involved, we might remark that this is a good advertisement for Sapolio.

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The City of Hull, England, is unique in that it is the first city in Great Britain to own and operate a telephone system. Because of inefficiency on the part of existing telephone service, parliament took the matter up and passed the telephone act enabling municipalities in the public interest to establish and operate a competitive service in their own telephone areas. The object of the municipal telephone service in Hull is to provide a much cheaper service than that offered by the National Telephone Company, thus placing telephones within the reach of a larger number of users, and to introduce a more efficient service.

State Reorganization in Minnesota is again a very live subject. The Interim Commission is expected to report on the plan for reorganization about May 1. It has already made a study of the various departments and agencies of the state government.

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Municipal Aquaria have been established in six cities of the United States namely New York, Boston, Philadelphia, Detroit, San Francisco and Venice, California. The New York aquarium is perhaps better known than any of the others. It is interesting to note that it was visited by 2,121,800 persons during 1922. The exhibit contained at the beginning of 1923 over five thousand specimens of fish and other aquatic animals.

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The National Conference of Governmental Purchasing Agents brought out its first bulletin during January. This bulletin contains contributions of members of the conference and other persons interested in governmental purchasing. It is intended to assist in the promotion of greater efficiency and economy in the purchase and distribution of governmental supplies. It will be published quarterly by the conference and the intention is to make different members responsible for each number. The first number was issued under the editorship of James Price, Jr., supervisor of purchasing of the state of Washington.

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A Survey and Audit of the City of Charleston, South Carolina, are now being made by the New York Bureau of Municipal Research. The survey will include all activities of the city government, excepting the educational system. The audit will probably extend back as far as the beginning of the last administration, namely, four years. This work was authorized by the new administration, which is being backed generally by the business men of the city.

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Bureau of Municipal Research Established in Newark.—Recently the Newark Chamber of Commerce established as one of its activities a bureau of research. Mr. J. B. Blandford, formerly with the New York Bureau of Municipal Research, was secured to direct the new bureau.

The new organization is already making progress in a study of the city's budget needs and an analysis of all expenditures. It proposes to encourage the adoption of a uniform budget classification, a definite salary policy, and centralized purchasing. The city of Newark should profit greatly by work of this kind.

✣

Proposal to Establish a Retirement System for Baltimore Employees.—The Baltimore Commission on Efficiency and Economy recently published a report covering the subject of retirement for city employees and a short history of retirement legislation. It makes recommendations for a careful study of the local situation with a view to determining the necessary steps for the establishment of a retirement system and the probable cost of such a system.

✣

Budget Form Proposed for State of Colorado.—A recent report of the Bureau of Business and Governmental Research of the University of Colorado proposes a complete set-up for the state budget. Mr. Don C. Sowers, who is head of this Bureau, points out many weaknesses of the present system in this report. He states, for example, that the state has 143 separate fund accounts; that the state tax levy for 1922 was 4.48 mills, composed of 24 separate levies; that the state has no uniform classification of expenditures; that the legislature of 1923 passed sixty separate appropriation bills; and that the total operating expenditures for 1921–22 were $21,450,000 of which only $4,920,000 are 23 per cent represented expenditures from appropriations, the remainder being from tax levies and special funds.

✣

City Manager Reports.—It is well worth the time of those who are interested in better city reporting to examine carefully, copies of the following annual reports of city manager governments, Bluefield and Clarksburg, West Virginia, and Petersburg, Virginia.

✣

Muskegon, Michigan, Park System.—A continuous boulevard system approximately 90 miles long, with 60 miles of the route within sight of water, and linking together the finest external park system in Michigan, has been assured for Muskegon as a result of a gift to the city by the Pere Marquette Railway of 113 acres of land for park purposes bordering on Lake Michigan. Coincident with the gift was one from local property owners granting the right of way for a highway along the Lake Michigan shore that will permit the building of the most important links in the boulevard system.

R. E. J.

✣

Arkansas Road Tax in Supreme Court.—Recently a case bearing directly on the highway situation in Arkansas went to the Supreme Court from the United States Circuit Court of Appeals of St. Louis. The case was appealed by the road commissioners of district number one of Clarke County, Arkansas. The commissioners had placed against a farm belonging to residents of Illinois a tax of more than twenty thousand dollars for the construction of a road project.

The plaintiffs submitted pictures of the road after the money was expended as a part of their case. The pictures, of which there were a large number in the record, failed to disclose any "good roads." The record told of impassability to automobiles, and of two-mule wagons miring in the improved highway, and for this the plaintiffs affirm the road organization sought to tax them twenty thousand dollars.

The attorney for the highway organization sought to have the taxes against the plaintiffs validated on the ground that the actions of the road commissioners were in accord with the statutes of the state of Arkansas. But the circuit court in its decision declared that oppressed landowners could properly invoke the aid of the federal courts against "the arbitrary, discriminatory and excessively oppressive exercise of the legislative power of a state." The court also said that the insertion in two consecutive issues of a small county weekly newspaper of a notice that a road tax was about to be levied against land was not "actual notice."

It is also disclosed in the decision that the road commissioners taxed the landowners on the eastern side of eleven miles of the proposed highway in an amount sufficient to pay the entire cost of the road, while no taxes were levied against those so fortunate as to own land along the westerly side of the road for a distance of fifteen miles, although the latter lands lie in the same county and bear approximately a similar relation to the road.

NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 4 APRIL, 1924 TOTAL No. 94

GOVERNMENT BY DEFAULT[1]

BY WILLIAM P. LOVETT

Secretary, Detroit Citizens League

Suggestions on reporting government to the people. Some practical publicity methods or how municipal officials can keep citizens informed about their local government. :: :: :: :: ::

GOVERNMENT is one of the few agencies which touch all the people at many points, for good or ill. Yet one of the greatest weaknesses of all popular government is lack of contact between the government and the people—between the business corporation and its stockholders. City government is not only a matter of business, but a matter of people—it must be human in quality or it fails.

It is said that every city is governed as well as it deserves to be. This is true when the people have access to the facts; if they are not interested, they do not care for facts. But many times the people are indifferent because they cannot get the facts even if they try, and so they get discouraged and careless about all government. This civic indifference, accounting for the light vote at many elections, is the greatest handicap on good government to-day.

"Government by default" is a good name for this situation. Its prevalence is so appalling that it reaches out into state and national affairs. It is the exception rather than the rule in American elections when a majority of the qualified voters cast any ballots at all at a given election. This means government by minorities. The great majority of good citizens, not having the facts and being indifferent, permit an alert, and frequently corrupt, minority with only selfish interests to serve to dominate the particular local or other unit of government.

For this situation, lack of proper methods in reporting government to the people is largely responsible. Until this problem is solved, the whole question of our American democracy will still be left hanging in the balance. The measure of success in good government is largely determined by the measure of citizen interest and civic co-operation. Such interest and co-operation either depend upon or go together with adequate methods of reporting government to the people.

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[1] Address at the Tenth Annual Convention of the Illinois Municipal League, November 2, 1923.

The man or group of men who can solve this problem will become great in American history.

The public should be a party to government transactions before, not after, the decisions are made. Every good city official will want to have the citizens informed—it is only the grafter or professional politician, with selfish ends to serve, who wants the people to be kept in ignorance of city affairs. The great majority of officials are facing an insoluble problem: How to get the facts to the people so they will be understood and the people will maintain continuous, intelligent interest in their government? Nobody has yet furnished a final solution to the problem, but many things can be done to help solve it.

The citizen should know the facts because, if he believes they are kept from him, he becomes suspicious and careless, and at election time he is easily stampeded by false propaganda. If the city waits till election time, the thing gets too hot and real facts cannot be imparted so as to be accepted. At elections some of the candidates are likely to be seeking to conceal facts and distort the truth, so as to get votes. Most citizens discount political statements made in election campaigns; they assume personal bias. But since the people, at elections, register decisions on government, as to candidates or issues, it is essential to try to keep the public informed during the whole year.

Much valuable time and energy are wasted because the public does not know or does not understand the facts, for example, regarding taxes. In making the city budget there are vast fields of possibilities available, yet to be cultivated. The average taxpayer knows so little about the whole subject of city financing that he makes no inquiry about the units of service for which the money is spent; he simply kicks on the size of his total tax bill, or throws out a chest and condemns the tax rate, which of course is always, from his standpoint, too high. Public ignorance and unfounded suspicions are the soil in which many a capable administration has allowed seeds of distrust to grow, till they upset the whole helpful program and ousted good men from public office.

The newspapers cannot alone solve this problem; if they can, they have not yet done it. Newspapers exist chiefly to print news, or what the editor thinks the people want to read, and many facts in the city hall are not news in that sense. Or, the information is furnished by the press, not logically, connectedly, and continuously, but piecemeal, so the citizen is confused and largely in ignorance. To some extent newspapers, though recognized as an unofficial branch of the government, are in danger of suffering from their own bias in opinion, or the reader attributes bias to them. The press also is subject to laws against libel, if it prints all it knows.

Another handicap is the fact that people think and talk, not of government in the true sense, but of politics in the bad sense and thus they do not expect the truth. They assume that any man in public office must be a crook, hence cannot give the facts: He is only a "politician." Now this is a bad situation, because the man on the job, at the head of a city department, ought to know the facts, and ought to be accepted as the authority in that line.

Many other methods have been suggested and used, in various cities, including departmental reports, which generally are so technical, statistical, or otherwise unreadable, that they are not read at all by the average taxpayer. Yet bulletins and municipal reports are essential to reporting government. Another excellent method is that of municipal exhibits.

What is the answer? Experience shows that while no single method of reporting government can alone solve the problem in every case, a combination of methods can best be used, with emphasis locally on that method which best fits the case. I would put first in importance the officials and their departments. Special attention must be given to the point of view of the citizen, as well as to the conditions and facts themselves. Municipal publicity may well be delegated to a specialist in every city, who makes of it a study and a practice.

Such an information official should be qualified and authorized to organize his work, call on city officials for articles, reports, addresses, etc., and send speakers where they may be needed to tell the people what they want to know. He should get out interesting, attractive, illustrated leaflets, reports, folders, etc., and make use of every available channel of publicity, including motion pictures, and municipal exhibits.

Special attention should be given to use of the press. In some cases possibly a single newspaper can be persuaded to set up and maintain a department of municipal information, highly organized, and constituting an advantage to the city and to that newspaper. The motion picture already has been used effectively, with slides for the stereopticon, in connection with all sorts of municipal projects.

I believe the best principle to adopt is to take the government to the people rather than ask the people to go to the city hall. Utilize meetings already arranged, where citizens gather. Make use of the public schools, churches, clubs, and even the pulpit and platform, for municipal information. Great results have been achieved through civic clubs, the research bureau method, both private and public, and the speakers' bureau. By adapting all these to local conditions, the handicap of public ignorance by slow degrees, over periods of years, can be overcome, and the effectiveness and success of city government can be doubled.

CRIME PREVENTION THROUGH RECREATION

BY M. TRAVIS WOOD

Playground and Recreation Association of America

A PRISONER in the Westchester County, New York, penitentiary recently announced to the county recreation director, who had been initiating him and his fellows into active team games, "If we'd had more of this when we were kids, I bet a lot of us wouldn't be here now." Cities are increasingly testing this theory and discovering its soundness. They are providing play centers and play leadership not only as builders of health and citizenship, but as preventives of crime.

Playground bills to-day promise to cut crime bills to-morrow, as well as help prevent the loss of useful citizenship. But statistics from a number of cities show that it is not necessary to wait until the present playground children grow up to feel the effects upon crime of expenditures for municipal play. Their effects upon juvenile delinquency, a great breeder of adult crime and in itself no small drag upon the taxpayer, are often evident within a few months. They are felt in a falling off of cases coming before juvenile courts and a general lessening of children's destructive mischief.

CHEAPER THAN REFORMATORIES

According to a statement recently made by a boys' work director in Bluefield, West Virginia, the city three years ago was sending about fifty boys a year to the state reformatory. In the last two years, only two boys have been sent. The difference is credited to boys' club work established three years ago and to a year-round system of playgrounds and recreation established one year later.

The average cost of maintaining a juvenile delinquent for one year in a reformatory is more than $400. Using fifty cents per capita per year as a fair expenditure for the maintenance of playgrounds and recreation centers under leadership, the saving involved in keeping a single child out of the reformatory can provide directed play for more than eight hundred children.

PERCENTAGE REDUCTIONS OF DELINQUENCY

Statistics arriving at the office of the Playground and Recreation Association of America during 1923 bear interesting evidence to the reduction of delinquency by directed play. Seventy-five per cent was the decrease in the number of juvenile court cases reported in a single district of St. Louis after the establishment of a playground. Yakima, Washington, reported a decrease of 50 per cent in juvenile delinquency after the organization of a recreation program by a Community Service committee. Through an athletic club a gang of boys well known to the court became a force for better citizenship, putting up street signs, organizing a night school and working with the judge to help other boys go straight.

Nashua, New Hampshire, which established playgrounds under a city commission in 1922, has reported a reduction in delinquency of a little less than 50 per cent. Brazil, Indiana, attributes to its summer playgrounds the fact that it did not have one juvenile court case last summer. Smaller communities in the vicinity of Brazil had one to four cases.

PASSAIC COURT SHUTS DOWN

It was not necessary for Passaic, New Jersey, to compile statistics as to the value of its newly acquired recreation systems in preventing child crime. Five months after the Department of Recreation began its work, the juvenile court was permanently closed.

On April 24 the police justice of the city wrote to the Board of Recreation Commissioners as follows: "A study of juvenile delinquency in the city of Passaic reveals that there has not been a session of our juvenile court since November first of last year. A few boys have been before the police court, but they have been old offenders or lads from neighboring cities.

"The winter program of your board started early in November at three different schools and a recreation hall and it is my firm belief that these social and recreational activities are responsible for this decrease in juvenile delinquency and the discontinuance of the juvenile court."

RESULTS OF MAP STUDIES

A map study of the effects of playgrounds on delinquency has been made by Mr. T. P. Eslick, Chief Juvenile

Officer of the District Court of Iowa, at Des Moines. The location of all playgrounds in the city were charted, and a dot was placed at the residence location of each child who had been brought before the court. The results were striking. A practically spotless area surrounded each playground, shading off into greater and greater density in proportion to the distance from a playground. A similar study made by the Playground and Community Service Commission in New Orleans showed similar results.

"Though I had always felt the influence of these playgrounds upon delinquency," Mr. Eslick wrote last February, "yet I had had no positive proof of it before. These maps fully convinced me. My ten years' experience in juvenile courts in Denver and Des Moines have made me a firm believer in the proposition that playgrounds pay large dividends to the taxpayer in that they prevent much delinquency which would be a very expensive proposition from the standpoint of both dollars and citizenship."

PROPERTY DESTRUCTION LESSENED

In providing a wholesome outlet for the energies of children, municipal recreation prevents property destruction, a common form of juvenile lawbreaking which is generally caused by lack of play facilities. The chief sport of a gang of boys in a Chicago neighborhood used to be throwing stones or snowballs, according to season, at passing automobiles and trains, and sliding down the fenders of parked cars. Since a recreation center has been opened for the boys, motorists have enjoyed perfect peace, and breakage of street lamps and train windows has greatly decreased.

Boys who have no outlet for their spirit of play and adventure sometimes start fires merely for the thrill of seeing the apparatus rush down the street. Such a fire recently caused a loss of $300,000 and resulted in the sentencing of two thirteen-year-old boys to a reform school.

The depredations on property of Hallowe'en revelers have been checked in a number of cities through municipal celebrations arranged by departments of recreation and affording the young people more Hallowe'en fun than they every had before. The manager of the Edison Light Company in Duluth reported a drop of 37 per cent in breakage of street lights Hallowe'en, 1922, when the city arranged a celebration, as compared with Hallowe'en, 1921, when it did not. In Centralia, Illinois, the damage done on Hallowe'en in 1922 amounted to $500 and by nine o'clock the police had answered about fifty calls to stop vandalism. In 1923 a municipal celebration was staged and not a single case of damage or vandalism was reported. Judge C. W. Palmer of Defiance, Ohio, reported after the city's 1923 Hallowe'en celebration that no offenders were brought into the juvenile court the day after Hallowe'en, whereas in previous years the whole day had been taken up with hearing complaints against young marauders.

POLICE ENDORSE DIRECTED PLAY

There is no stauncher advocate of supervised playgrounds and recreation centers than the policeman, who observes at first hand their benefits upon the rising generation. Chief of Police, Daniel J. O'Brien, of San Francisco, appealed to the Community Service Recreation League of that city to extend its work of organizing neighborhood recreation centers into sections it had not yet touched. He had observed the quick effects of the centers in turning dangerous gangs into upstanding young citizens with a keen sense of sportsmanship.

The Chiefs of Police Association of Pennsylvania in convention at Wilkes-Barre, October, 1922, adopted a resolution endorsing "the movement of municipal governments and of local organizations working with Community Service and the Playground and Recreation Association of America in establishing playgrounds in sufficient number in all cities of Pennsylvania to prevent juvenile delinquency and street accidents and to provide healthful exercise through efficient supervision."

Playgrounds and recreation centers under leadership, working side by side with the home, the schools, the church and other official and private agencies, accomplish their work of crime prevention not alone through keeping children away from the demoralizing influence of the streets in their leisure time. They give normal instincts a chance for normal expression. They substitute the team spirit for the gang spirit. The miniature community of the playground serves as a school for citizenship. Through play it teaches the philosophy of give and take and the reason for abiding by laws which shall assure the greatest good to the greatest number.

PROPOSED CHANGES IN THE INITIATIVE AND REFERENDUM IN MISSOURI

BY THOMAS S. BARCLAY
University of Missouri

THE initiative and referendum were introduced in Missouri by constitutional amendment in 1908. The amendment provided for the direct initiative, applicable both to ordinary legislation and to constitutional amendments. The referendum was of the optional type and could be invoked upon acts of the general assembly, either by popular petition or by the legislature itself. Laws necessary for the preservation of the public health, peace, or safety, and laws making appropriations for the maintenance of the public schools, the state institutions, and the expenses of the state government were declared exempt from the operations of the referendum. A later decision of the state supreme court held that whether or not an act is necessary for the immediate preservation of the public peace, health, and safety was a matter for judicial determination. Statutes supplementing the constitutional provisions and prescribing the exact method of procedure were passed in 1909.

From 1909 to 1922, the electorate considered thirty-seven measures of direct legislation. Fifteen constitutional amendments were proposed by the initiative; only one was adopted. It provided for a new procedure in amending the constitution, and was passed in 1920. A large majority of these proposed changes dealt with subjects of a highly controversial character, such as state-wide prohibition or a radical change in the prevailing method of state and local taxation. The total number of votes cast for or against the initiative proposals ranged from 53 per cent to 93 per cent of the entire number of votes cast for the leading candidates for elective office. Two acts of ordinary legislation were proposed by initiative petitions, but neither was adopted.

The referendum was invoked for the first time in 1914. In all, twenty acts of the general assembly have been referred by petition to the electorate. From 1908 to 1920, a period of twelve years, only six measures had been submitted. One had been upheld, a statute providing for state prohibition enforcement. The votes cast at these elections averaged about 70 per cent of the total vote cast for a prominent elective official.

PARTY CONTROL AND THE REFERENDUM

In 1920 the Republicans, for the first time since 1868, secured control of both houses of the legislature and of the governor and chief executive officers. Some sixty state administrative boards, bureaus, commissions, and departments were in existence and both parties had promised administrative reorganization and the abolition of useless offices. Under the Republican leadership and by a strict party vote, a series of consolidation measures were passed. In the abolition or reorganization process, a considerable number of deserving Democrats were threatened with a loss of their positions. A group of laws redistricting the state and combining certain local offices in counties were likewise passed by a party majority.

Opposition to the above measures became pronounced in Democratic circles and it was urged that the referendum be invoked against many of the bills. The party organization approved and sponsored this policy, and the use of the referendum as an implement of partisan warfare became little short of notorious. Some twelve measures were referred under the approval and direction of the Democratic State Central Committee. Democrats were urged during the campaign to vote against all the referred measures. In the election of 1922, these twelve and two additional referred bills were rejected by approximately the same majorities.

The use of the referendum by one party to hold up and probably to defeat the legislative program of the other aroused considerable hostility toward the continuation in Missouri of any form of direct legislation, but especially to the referendum. In the constitutional convention this opposition was voiced by members of both parties. Several proposals either abolishing entirely both the initiative and the referendum or increasing materially the number of signatures required for submission of petitions were introduced.

VIEWS IN RECENT CONSTITUTIONAL CONVENTION

In the committee some disagreement developed. The representatives of labor organizations opposed generally any change in the existing procedure. The committee believed that the percentage of signatures required to invoke the referendum should be increased but it was felt that 25 per cent was too high a figure. The evils which had developed in the securing of signatures were apparent to all and it was agreed that the prevailing method should be altered. Members from rural and from urban communities made clear the existing situation concerning the process of direct legislation.

Mr. Hensen: "I have been a member of the election board in my town for twenty years . . . it has been my observation and experience that not 2 per cent of the voters are familiar with the measures proposed under the initiative and referendum. They are not interested in this ballot containing a whole lot of fine printed matter, like an insurance policy that nobody ever reads. . . . A man who knows nothing about the merits of a proposition carries a petition down the street of his home town. 'John,' he says, 'you got to sign this,' and John says, 'What is it?' 'Oh,' he says, 'it is all right. It is a petition sent down to me to get signers on. I want you to sign it.'"

Mr. Bowles: "I found generally that the petition was promoted by certain parties having an interest which would be adversely affected by the proposed law. I found that they hired people to go out and get names, and that the customary compensation was ten cents per name. I found every kind of misrepresentation was indulged in."

The original report of the committee, however, recommended no changes of a drastic character. The percentage of signatures required on referendum petitions was raised from 5 to 8 per cent; the initiative lowered from 8 to 5; the number of signatures computed upon the total number of votes cast for governor at the last preceding election rather than upon the number for justice of the supreme court.

The report of the committee was not satisfactory to the convention and a long debate ensued. A majority of the delegates recognized the merits of direct legislation, and did not favor its abolition, but they felt that the process should be made more difficult and that legislation passed by the general assembly and signed by the governor should not be too easily subjected to the whims of an organized or partisan minority. It was urged that the percentage of signatures required be increased and also that all petitions be signed before an official authorized to take acknowledgments who should certify that each signer was personally known to be an elector of the county and to reside at a known address. Some advocated a central point, the county seat, where all signatures must be filed.

THE PROPOSED AMENDMENT

Under the amendment as adopted by the convention, significant changes were made to the existing provisions in the present constitution. The percentage of signatures required on a petition to invoke the initiative on general laws is fixed at 8 per cent of the voters in each of at least two thirds of the congressional districts, while for the initiation of constitutional amendments the percentage is fixed at 12. Although the governor is denied the power to veto initiated legislation, the general assembly is given power to repeal an act adopted through it. With respect to the referendum, the number of votes required for petitions is increased to "at least ten per cent" in each of at least two thirds of the congressional districts. The number of signatures required for any initiative or referendum petition is to be computed upon the whole number of votes cast for governor instead of that for judge of the supreme court. This will increase the number required.

The ballot submitting to referendum an act of the general assembly reads: "Shall the act of the general assembly be rejected?" The existing provision reads: "Shall the act of the general assembly be upheld?" This change takes into account the tendency, perhaps the habit, of the uninformed and uninterested portions of the Missouri electorate to cast a negative vote on all questions. This characteristic will be turned to advantage by the rewording of the statement and it will require an affirmative vote to reject the law. Finally, provisions of a statutory character are introduced concerning the residence, address, and registration of a petitioner.

Opponents of the proposed amendment have charged that it destroys the initiative and referendum, but the changes recommended are in no sense an abolition of direct legislation. The proposals are rather for the purpose of retaining the initiative and referendum with their essential features but making it more difficult for organized minority groups to use them as weapons of prejudice and of partisanship and unduly to interfere with the process of government.

At the special election held on February 26, the proposed amendment was defeated by a majority of 81,070. It suffered a fate similar to 14 other amendments submitted at the same time, only 6 measures of an unimportant character were ratified. The large majority against the initiative and referendum amendment seems to indicate that changes are not desired, although certain of its advocates are considering a resubmission by initiative at the general election of 1924.

THE HOUSING SITUATION IN LOS ANGELES

BY SIEGFRIED GOETZE
Los Angeles, California

Paper read before the city planning commission, December 4, 1923

THE foundation of a proper building development of a city is laid through a practical and timely solution of the problems of city planning. The first of these problems lies in furtherance of better working and housing conditions. To every inhabitant of a city must be given the opportunity to earn the necessities of life through the medium of work and to find a place to live in. It is the problem of city planning to provide districts for industry, commerce and trade, and districts in which people may healthfully live, making them accessible through streets provided with modern utilities such as sewer, light and water, etc., and establishing means of transportation.

In addition to the satisfactory solution of the working and living conditions comes the welfare of the mental and physical life of the people. And again, it is the problem of city planning to make timely provision that, with the ever-increasing growth of a city, educational and recreational places can be established for which suitable land should be set aside in advance of its increase in value. Building lots for the purpose of these structures should be reserved and park areas provided for exercise in the open. The solution of this problem will be furthered through the timely purchase of land through the city. Here the work of the city planners must lead the way. The determination of the necessary areas to be thus set aside is the duty and the work of city planners.

The third and not less important problem of city planning is the building and the extension of all artificial and natural traffic roads. Roadways, rail and waterways, if any, are used for the purpose of transportation of people and freight and are the necessary facilities in the development of commerce and trade. All problems of city planning must be solved from the standpoint of utility, combining it with the esthetic.

THE LAND QUESTION

Land is the basis of all city-planning measures and movements and it is somewhat the raw material, the molding and finishing of which city planning brings about.

Be it the question of the conservation of historic landmarks, or the planning of new subdivisions, the openings of streets, the establishment of parks and playgrounds; or may it be the promotion of building activities, or the question of high rents, there always looms in the background the land question and demands its recognition. On its right solution finally depends the issue. Therefore, city planning must properly direct the policies relative to the land movement, if a healthy development is to be obtained.

LAND VALUES IN LOS ANGELES

The rapid industrial and economic expansion of Los Angeles produced higher wages and increased earnings and with it land values and rents went up. While formerly only a few people settled outside of the built-up section of the city, it becomes now a more general tendency and there is a desire to move further out, through which a rapid rise of land prices in the outlying section followed, automatically driving up the prices of land in the inner belt of the city.

The rise in land prices was marked with satisfaction. One noticed it as an indication of economic progress and viewed it as a source of a rapid accumulation of wealth, which was thought necessary from an industrial, social and economic point of view. Furthermore, the rise in land values was looked upon as a certain factor in the real estate movement and in building activities and was thought to overcome a growing housing shortage.

Even if this assumption may be true in certain respects and we can locally prove that a moderate rise in land values has brought about economic progress, we have, nevertheless, gone beyond the line. As long as the increase in land values corresponds to the actual economic use and is bringing relative returns, it is justified. But here the development did not stop. It engulfed in the movement of land values, not only lots ripe for building purposes, but took in the farthest districts outside of the radius of the city and suburban territory, the upbuilding of which was still in the far distance. Not fast enough for man is the natural development; greater are his demands for progress. In the great agricultural territory surrounding our city, fantastic prices are paid as one hopes and speculates that everything may sometime become a building lot.

If it were that those land prices asked for are only the idea of the owners, one could be amused over the fact and leave him his harmless hopes of future wealth. However, this is not always the case, as the process of valuations has already gone so far that it has somewhat undermined our economic life.

One can no longer buy, in the outlying sections of the city, land suitable for agricultural purposes that will give a return in proportion to the prices asked. Agriculture, therefore, becomes uneconomical at the very gates of the municipality where foodstuffs should be raised for the daily consumption of the population. Sixty thousand acres of Los Angeles county orchard and agricultural lands were taken last year for subdivision, for commercial and oil development, with an equal amount this year.

In the sale of such land, the "increased land values" becomes the basic price. The new owner takes over the land and property at too high a price, often overloaded with mortgages, with hardly an income to depend on, except future hopes.

The economic motifs appearing in business and industry do not apply with the same force in the building of houses because of the identity of the housing problem with the land. While buildings will in years decrease in value, land, with very few exceptions, will always increase in value, thanks to the unearned increment.

THE LAND MOVEMENT AND HOUSING STANDARDS

The growth of land prices reduces the value of the physical improvements, their substantiability and artistic appearance, with the result that building-art is drifting into commercialism.

The process of land values is viewed by the housing worker with serious concern. Where are the ideals of comfortable home life when high land prices are forcing building costs to a minimum; with buildings higher and closer together, doing away with open spaces, gardens and playgrounds, and under pressure of such economic conditions reducing all social standards and eliminating social ideals?

HOUSING IN THE LIGHT OF PUBLIC WELFARE

One is apt to hold responsible for those conditions, the landlord, the real estate man or the city administration. However, if we view the problem in its entirety, we must admit that it is not the willfulness of some individuals, but we are here concerned with a general economic problem which is closely connected with our economic life. Realizing the necessity of solving the problem, we must view it in the light of general public welfare, adopting careful and consistent measures, recognizing justified private rights and interests.

A land policy should be adopted dealing with economically proper methods of land subdivision and its use, guiding a sane and equitable rating of land. A judicious land policy for the better adjustment of housing conditions will be of far-reaching importance.

HOMELESS PEOPLE

According to government statistics, a little over 64 per cent of the population of Los Angeles was living in rented quarters in the year of 1920. To-day, there are still 62 per cent of the people of this community without their own homes, with many thousands of people living in unsatisfactory, crowded quarters, and who are homesick for their own little homes. Under these conditions, children, especially infants, are the first to suffer. In the fiscal year of 1922, according to the health department, 922 deaths of children under one year of age occurred, giving the death rate of 68.43 per cent per 1,000 living children born—an increase of deaths of children under one year, over last year, of 136, which, as the health department states, "may be accounted for by an increased population, the influenza, and neglect due to the restless condition of the public under which circumstances the dependents are the first to suffer." In the same report, we are informed by the housing commission "that the building activities of the year have greatly improved the housing situation. Cramped and congested conditions have been relieved and a steady improvement continues."

PROVISIONS FOR GOOD HOUSING

Selfishness and profiteering in housing should be strenuously opposed in the interest of the state and the community, and the right of the child to a decent home, to sunlight and a playground should, wherever possible, be upheld, first of all, through a share in the homeland and second, through the provision of housing facilities for people with large families so that *American families with American children may not wander homeless from door to door begging for quarters.*

May we not look to the city planning commission for aid and assistance in solving the housing question, for the scope of your work is so closely related to the housing of the people. Private initiative will do its share towards this end and should be encouraged in every possible manner by assisting recognized, co-operative, profit-limited housing concerns in the acquisition of land and the obtaining of credit for the erection of housing undertakings and thus help those who are more or less dependent and would otherwise remain in the hands of the housing profiteers.

THE PROSTITUTION AND VENEREAL DISEASE PROBLEM IN LOUISIANA

BY L. C. SCOTT, M.D.
Louisiana State Board of Health

THE prevalence of prostitution has altered little since 1921, but during that year, and previous years, it was possible to control it to a marked degree by compulsory examination and internment either in the New Orleans Isolation Hospital or in the Venereal Hospital in Alexandria. The latter has been abolished since June 1, 1923, and the necessity of the city health department conforming to the provision of recently enacted legislation closed the other avenue of suppression.

LEGAL DIFFICULTIES

Paragraph 3, section 15 of Act 79, passed by the state legislature in the session of 1921, virtually makes it impossible to handle venereally infected persons unless they are committed by a judge. But before a charge can be made, it must be established that a person is suffering from a venereal disease. The inconsistency in this law lies in the statement that no person shall even be subjected to a "medical examination of any nature or kind." It is manifestly impossible to make a diagnosis without an examination; therefore, it would be very unwise to make a charge and cause an arrest on hearsay evidence or even the appearance of a person.

There is an ordinance regarding prostitution, and I am informed that 2,700 arrests were made in 1923. It is said that there were a few fines, the overwhelming majority of the arrested women being allowed to go free. They immediately return to their haunts and ply their trade as before. There are no examinations, and were these made there is no place to intern the infected ones.

It is believed that the procedure of making arrests merely occupies the valuable time of the patrolmen without any visible result, and that it is useless if nothing further is done.

That there are many prostitutes and a number of houses of prostitution in New Orleans there is hardly any doubt. Women have been repeatedly noticed openly soliciting from windows and doorways in a certain street. The house number has been communicated to the police and for a short time the inmates disappear. It is not long, however, before the same or other faces are to be seen at the doors; presumably the fines have been paid, or at any rate they were released. They, or the landlady, who harbors them, will for a time be more circumspect.

FAILURE OF VICE SUPPRESSION

It is my conviction that prostitution cannot be suppressed in this manner; I doubt whether it can be entirely eliminated by any means whatsoever. The methods used are no new ones. The history of prostitution is replete with repressive measures that make the present ones seem puny by comparison. That they were not successful, or at least not permanently so, is too well known to be worth an argument.

The fallacy of all suppression is based on the idea that force can accomplish what reason fails to do. Prostitution is regarded as an offense against the social order, mainly because public opinion chooses to view it as such. Stripped of all trivialities and assumptions, prostitution *per se* is not a criminal, scarcely even a civil dereliction, and should not be classed as such. The greatest danger of prostitution lies in the fact that it is the source of diseases which are peculiarly associated with this manner of living. Prostitution is therefore pre-eminently a public health problem, and should be so regarded and handled. Every prostitute is a potential carrier of disease, and police power may and should be invoked to the extent of protecting the public against disease, in much the same way as it is employed in enforcing quarantine regulations. Smallpox, yellow fever or leprosy are decidedly more important from the epidemiological standpoint than are syphilis, gonorrhea and chancroid. There is no objection to using force when it becomes necessary to control them. But there is this difference: the individuals suffering from smallpox, yellow fever or leprosy are not afflicted with maladies around which society has woven a fabric of sentimentality and, more important still, the victims are taken care of until they either die or get well.

PROSTITUTION A HEALTH PROBLEM

Until it is appreciated that prostitution is a health and not a police problem, and that the prostitute is a theoretical if not actual danger because she is a disease carrier and handled as such, there does not appear to me to be any method of doing permanent good. Even this will be only partial; never complete. There will always be prostitutes as long as society chooses to breed women of this class and just so long as economic conditions preclude the earning of a living wage by those who enter the ranks from necessity and not from choice. The best that can be done is to lower the venereal disease rate by offering or compelling treatment of carriers. This is possible and feasible. It is the safe, sound and sensible principle upon which all preventive medicine depends. It is so fundamental that no one thinks of obstructing its practical application except in the case of the venereal diseases. And because it is fundamental and common sense it will solve the venereal disease problem and with it the problem of prostitution so far as the latter is humanly capable of solution at the present time.

WHAT IS BEING DONE

In a way this ideal of prevention is being appreciated throughout the state among the general population. It is true that the progress is only gradual and scarcely perceptible. But already regardless of the disinclination of the medical profession to report venereal cases, there is undoubtedly a relative decline in the prevalence of venereal disease.

The decline may be ascribed in the first place to the abolition of tolerated districts in large towns and cities, and secondly to the free venereal clinics situated at strategic points.

Public sentiment has not permitted the re-establishment of any circumscribed vice area, and it is not likely to do so in the future. Now since the prostitution quarter is the most prolific source of the venereal diseases, this element has to a large extent been eliminated. The effect was not apparent for several years, but there is no doubt now that the revolt from the tolerant attitude has operated powerfully in diminishing the number of infections and their dissemination among the public.

PUBLIC CLINICS

As the public clinics are becoming better known the increase in attendance is proportionately greater. They occupy a unique position not only as the haven of relief from bodily ills, but they are virtually centers from which information of the worth-while sort slowly percolates into the masses. No lesson is so aptly learned as that taught in the hard school of experience, and those who have acquired this knowledge are able to pass it along in a far more convincing manner than any lecturer from a platform; they speak a language which their associates understand. This is borne out by experience. It is a slow but efficacious process and the capacity of the clinics for doing good could be greatly enhanced were it permissible to advertise their whereabouts. Public sentiment will not permit this to any marked degree; certainly not at all under titles which reveal the true objective. We must be content with subterfuge and circumlocution. To call such a clinic in print just what it is, a place for the treatment of venereal disease, and to publish a notice of its location in the daily papers or put it on a sign, would raise a violent storm of protest. The reason is not far to seek. It is the age-old ostrich policy of hiding the head, of ignoring the disagreeable as though it had no existence in fact. This does not ameliorate conditions; it only blocks the game and makes the situation more difficult to handle; for handled it must be regardless of public or private attitude of mind.

We find that no matter how we turn, whether we try to evade the issue or not, or try to simplify matters by glossing over conditions, we shall eventually be forced to the conclusion that no single method, least of all the employment of fines or other punishment, will be sufficient to mitigate prostitution and its concomitants, the venereal diseases, unless such procedure be based on the principles of preventive medicine. The venereal question should be regarded from the public health standpoint. Only so far as it is necessary for the enforcement of the provisions of the sanitary code and specifically that section which deals with communicable diseases, should police power be employed. This fact should be recognized and provisions made accordingly.

THE BOARD OF ADJUSTMENT AS A CORRECTIVE IN ZONING PRACTICE

BY CHARLES K. SUMNER

Member of the City Planning Commission, Palo Alto, California

During the year 1923 it has been the instructive experience of our city planning commission to draft a new and exacting zone ordinance, and then to see how it works and observe some of its effects. In my opinion one of the most useful of the lessons of this experience is that a degree of flexibility is imperative in zoning administration. I do not mean the kind of flexibility which is imposed by bending, stretching or twisting an ordinance to convenient interpretations when exigencies require, but the orderly and legal flexibility which is had through a board of adjustment or appeals. Such a board is recognized as an essential by zoning authorities, and is provided for in the standard state zoning enabling act of the United States Department of Commerce and in the zoning acts of many of the states, including New York and Illinois, but it is not so provided for in California.

WHY A BOARD OF ADJUSTMENT

The purpose of a board of adjustment is, of course, obvious in its name. It is to safeguard the rights of individuals by providing a convenient remedy against the arbitrary or unreasonable exercise of the police power. This remedy is commonly invoked against administrative errors and contestable rulings in the enforcement of the zone ordinance, and also in exceptional cases "where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship." Its value for these purposes is well recognized; but it is perhaps not realized to what extent a board of adjustment is called for by the technical difficulties of zoning practice, as these are frequently and naturally reflected in the zone ordinance and its administration. For a defective or deficient zone ordinance is probably as fertile a source of disturbance and maladjustment as a public body can create. It is my aim here to point out certain ways in which a board of adjustment will minimize troubles from this source, and thus help to make zoning administration reasonably flexible. It is hardly necessary to say that in dealing with this subject I am not disparaging our own zoning ordinance, which as a whole is a creditable and valuable product, but am drawing my lessons from a somewhat wider field of observation.

DEFECTS OF ZONING ORDINANCES

One may speak freely of defects and deficiencies, for there are probably few zoning ordinances that do not invite some improvement. Imperfections lie in the human nature which they reflect. The reasonableness of zoning and its promise of orderliness and conservation give it a strong popular appeal. Its practice holds a variety of attractions to any body of citizens who may be privileged to direct thereby the future development of the community. But in its usual sense of local knowledge and sufficiency such a body will inevitably underrate the technical difficulties of drafting a sound and workable instrument, especially if it dispenses with professional guidance. It will just as surely fail to some extent in this work in regard to clearness of expression, in adherence to recognized zoning principles, and in respect for the limitations of the police power upon which the whole structure of zoning rests.

The least of these difficulties, one would think, is to make the language of an ordinance clearly intelligible. It does not appear difficult to compose regulations that will convey just what we mean, and nothing else, especially concerning matters which are fairly definite and measurable. To the uninitiated the average ordinance does in fact bristle with precision. This impression, however, is likely to be changed with closer acquaintance, for the nice use of language is probably no more general in ordinance writing than elsewhere. Ample evidence of this is to be found in the definitions of common but important terms. In ordinance construction a good definition is the foundation of all things; yet definitions are perhaps the feature most likely to be slighted, or copied bodily from some other inadequate document, and they frequently pass into print in a more or less confused, ambiguous, or even contradictory form. Definitions of important terms used in the ordinance may differ radically from those in current use in other ordinances and statutes, or they may even be missing altogether.

Ambiguous language is not a sign of clear and careful thinking, and there would doubtless be fewer verbal shortcomings in the average zone ordinance if the attention of its authors was focused carefully upon the principles governing the practice of zoning. A commission without a professional consultant is quite certain to be weak in this regard, for its members do not ordinarily inform themselves sufficiently concerning these principles, and they are seldom fully qualified to apply them. Familiarity with the physical features of a town is not a sufficient substitute for technical knowledge and judgment. This kind of local knowledge, although valuable, is not to be classed with the organized information without which zoning principles cannot be put into practice. As in dealing with trees, one must know more than can be seen above ground. Nor will vague speculations of future development take the place of the "well-considered and comprehensive plan" mentioned in our enabling act, and upon which all zoning study ought to be based. If these fundamentals of zoning procedure are omitted or neglected, one cannot expect the resulting ordinance to reflect sound principles in its use-classifications, area regulations and building restrictions. It will be in these respects—to go no farther—more or less haphazard and arbitrary, without consistent purpose, and a standing invitation to piecemeal alterations and concessions.

If a zoning agency does not fully realize the importance of zoning principles and scientific methods, it is also likely to forget that regulation by zoning should be strictly within the recognized limits of the police power. It will fail to some extent in respecting these limits, and will presume too much upon the supposed progressive attitude of the courts and upon the confidence and support of the local community. It is true that some of the inalienable rights of the past have now become subject to the general welfare under the police power, but the courts are still exacting as to the purposes for which this power may be exercised. Æsthetic improvement is not yet recognized as one of these purposes. Yet such improvement almost invariably accompanies the reasonable restrictions which promote health and safety, and the tendency is quite natural and sometimes irresistible to carry regulation beyond these legal limits in the effort to impose æsthetic standards upon the community. For better or worse, such standards are still in the province of the individual.

Of course the zoning body will not consciously overstrain the regulatory powers to promote community art unless it feels that the community as a whole would knowingly appreciate and accept regulation for this purpose, or unless, filled with zeal for improvement, it feels justified in borrowing the compulsion of the police power to uplift the community and hasten the millennium of good taste. But the commission which strains the law strains also the confidence reposed in it, and it is extremely doubtful if the representatives of the people would give their support to an ordinance in which well-meant but ill-considered art provisions are concealed.

Now these and like defects of our zone ordinance can of themselves create considerable trouble in zoning administration, and of a kind that cannot readily be overcome without the legal flexibility or means of adjustment we are now considering. Zoning regulations are of more than occasional or individual interest. Their effects are widespread, continuous and peculiarly searching, and their applications should, of course, be rigorously consistent and impartial. If, however, the meaning of the ordinance is not entirely clear, its enforcement as to some particulars will usually depend upon the arbitrary judgment or interpretation of an administrative body or officer. No one cares to surrender his rights to such arbitrary judgment. If a requirement of the ordinance is not based clearly upon principle, it will surely do injustice here and there in its practical application. If the police power is unduly stretched for art's sake, some unfortunate owners are sure to be penalized for the æsthetic ambitions of the zonists. Knowing the weakness of the average zoning ordinance, one may well entertain the belief that in many such cases the submissive applicants accept and suffer real and unjustifiable hardship, while in other cases permits are granted in plain violation of the ordinance. An ordinance which must be administered in this way cannot long be held in respect.

It may be said that the obvious remedy for the troubles just mentioned is not to provide a board of adjustment, but to amend the zone ordinance itself. This is true in theory, but it does not give timely relief to the petitioner because amendment is too difficult and too slow. Our enabling acts take for granted a serious, well-considered, and legally correct body of zoning regulations, and explicitly or implicitly they seek to protect the vested interests of those who comply with them by surrounding amendments with all the safeguards and formality of the original enactment. The required procedure with its notices and hearings is accordingly too cumbersome to be initiated as frequently as defective provisions appear and their attending troubles arise. The prominence accorded to various shortcomings by this course would also tend to make amendments quite unpopular except to the individuals looking for relief.

AUTHORITY OF A BOARD OF ADJUSTMENT

A board of adjustment, on the other hand, could rule promptly upon appeals arising from defects and deficiencies of the zone ordinance, and such rulings being duly made and recorded would thenceforth have for practical purposes the authority of the ordinance itself. Such changes and amendments as the findings of this board would indicate after hearing a sufficient variety of cases could be effected in due course, with all the deliberation and formality that may be required. As I read the standard enabling act, this is a legitimate subject of appeal to the board of adjustment therein authorized, which may "make special exceptions to the terms of the ordinance in harmony with its general purpose and intent," although the powers of the board are granted primarily to cover administrative errors in the application of the ordinance and special conditions extraneous to it.

It is to meet such special conditions, of course, that the board of adjustment has its more usual and expected application. As real property comes under the view of the zoning body, its subdivision and improvement have been subject to the diverse wills and opinions of many owners, whose rights in such property must still be respected, and exceptional conditions will be encountered which cannot be covered by any general provision or amendment. In one respect this makes such cases even harder to deal with in the absence of a board which is empowered to recognize "special exceptions" and "specific conditions." If a provision of the ordinance is plainly unreasonable in its general application, the administrative body will construe it not to mean what it says, and grant permits in violation of the ordinance, thus assuming conveniently the power of a board of adjustment. But if, on the other hand, the case is one for special exception, while the general provision relating to it is plainly reasonable, the authorities are not unlikely to stand on the reasonableness of the general application and regard the petitioner as simply "out of luck." If the petitioner does not accept this view, his only legal recourse here in California is an appeal to the courts. One may observe occasionally this curious insensitiveness to the rights of individuals, on the part of zoning bodies and administrators, with a considerable measure of overconfidence in the wisdom and extent of their regulatory power. There is danger in this to the credit and progress of all zoning. Such are conditions *par excellence* for the services of a board of adjustment, which, as Mr. Edward M. Bassett has aptly remarked, is a safety valve against arbitrariness and one of the most important elements in protecting legitimate zoning from adverse decisions of the courts.

To protect and promote legitimate zoning by avoiding the various shortcomings here pointed out, and by minimizing their effects, we should make use of the mediating and shock-absorbing offices of a board of adjustment or appeals. There is no other or better means for providing the orderly, legitimate flexibility which zoning administration requires.

THE GASOLINE TAX WIDELY ADOPTED BY STATES

Thirty-six states have already adopted a tax on gasoline. Other states, as well as several cities, are contemplating the adoption of such a tax. In view of the general interest in this subject, we are printing the following résumé from the Report of the Special Joint Committee on Taxation and Retrenchment of New York State, submitted to the legislature on February 1, 1924. :: :: :: :: :: ::

At the beginning of 1924 there were thirty-six states that had authorized the collection of a tax on gasoline and other liquid fuels to be used mainly in the construction and maintenance of highways. During 1922 and 1923 alone, twenty states enacted such legislation, and Congress provided for a gasoline tax in the District of Columbia. When we recall that Oregon was the first state to adopt such a tax in 1919, it is apparent that the idea of a sales or excise tax on gasoline for highway purposes has been widely accepted in a very short time. Not only has the idea spread among the states, but several cities have recently been considering such a tax for similar purposes.

GASOLINE TAX MEASURES HIGHWAY USE

A tax on gasoline and other liquid fuels is regarded as one of the most equable methods of measuring the use that motor vehicles make of the public highways. It has been found that the three factors of most importance in the wearing out of roads are: (1) weight of vehicle, (2) speed, and (3) distance traveled. It is not possible for any system of motor vehicle fees to take into account all of these factors. A gasoline tax, however, takes direct account of the first and third of these factors and to some degree the second one. Besides, the gasoline tax is conveniently paid and it is easily collected. Under such a tax tourists from other states help pay the upkeep of the roads they run over. Another fact of importance is that the constitutionality of such taxation has been established.

The gasoline consumption tax has been objected to, principally by certain representatives of the automobile industry, on the ground that it is in addition to, rather than in lieu of, other taxes, and hence in excess of what the owners and operators of motor vehicles should be required to pay. This objection would seem to have more force if applied only to passenger cars, excluding trucks. Maryland has made provisions by which the gasoline tax may become practically a substitute for the motor vehicle license fees, only a nominal registration fee of one dollar being charged. Trucks, however, are to be taxed by an additional license fee varying according to weight. Other states will probably move in this direction in working out the application of the gasoline tax.[1]

THE RATE OF THE GASOLINE TAX

It will be seen by reference to the accompanying table on "Gasoline Tax" that the rate of the tax at the present time varies from one cent to three cents on each gallon. It is interesting to note that most of the states adopting a gasoline tax before 1923 started with a rate of one cent on each gallon. But during the 1923 legislative sessions twelve of these states amended their gasoline tax laws so as to increase the rate, four of them from one cent to three cents, two from two cents to three cents, and six from one cent to two cents. The average rate is now about two cents on the gallon, and the indications are that it will be increased in the near future.

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[1] In writing this, liberal use has been made of the facts and figures contained in an article on "The Gasoline Tax" by James W. Martin of the University of Chicago, published in the Bulletin of the National Tax Association for December, 1923. Those who wish to read a more extended treatment of the subject are referred to this article.

THE ADMINISTRATION AND COLLECTION OF THE TAX

As is indicated in the accompanying table, the administration of the gasoline tax is lodged in about a dozen different agencies among the thirty-six states having this tax. The most popular agencies are the state tax commission, the state auditor, the secretary of state, and the state comptroller. It would seem that the logical agency to administer this tax should be the department of the state government having supervision over tax matters.

Three-fourths of the states having a gasoline tax collect this tax from the importer or manufacturer. The other states collect the tax from the wholesaler or retailer. The former method is much more satisfactory than the latter, because it is easier to check up the reports and involves a smaller number of accounts. Where a state might have ten or a dozen accounts when collecting the tax from the importer or manufacturer, it would probably have several hundred accounts if it collected the tax from the wholesaler, and thousands if it collected from the retailer. Hence, the administration of the tax is much easier if it is collected on the first sale within the state, rather than on the last one before consumption.

All the states, except five, require dealers in gasoline and other motor fuels to report monthly. These dealers are usually given a period of from five to thirty days to report on a given month. Those states that require quarterly reports from the dealers allow from twenty to thirty days for the reports to be made out and sent in. Practically all states require remittances to be sent when the reports are submitted.

THE USE AND DISTRIBUTION OF THE TAX

As was pointed out in the beginning, the purpose of the gasoline tax is to supply funds for the construction and maintenance of public highways. However, not every state levying a gasoline tax has devoted it entirely to this purpose. North Dakota and Georgia place the entire amount of the tax collected in the general fund, to be appropriated for any purposes the legislature may see fit. Pennsylvania and Alabama credit one-half of the total tax collected to the general fund and distribute the remainder to the various counties. In the case of Pennsylvania, the additional cent recently added goes entirely to the general fund. Montana gives the general fund four-tenths of the total tax collected, the state highways two-tenths, and the county highways the remainder. New Mexico uses $15,000 for a state fish hatchery, and credits the balance to state highway construction and maintenance. South Carolina distributes equal amounts of the taxes collected to the general fund, to the maintenance of state highways and to county roads. Texas assigns one-fourth of the tax to the public school fund, because of constitutional requirements, and the balance goes to the state highways. The remaining

STATE GASOLINE TAXES

As of February 1, 1924

	State agency administering tax[1]	Tax collected from[1]	Use of tax[1]	Tax rate. Cents per gallon, Feb. 1, 1924	Registration of motor vehicles, July 1, 1923[2]	Estimated 1924 consumption in gallons	Estimated 1924 tax yield
1. Alabama	State tax commission	Wholesaler or retailer	General and road funds	2	98,992	41,972,608	$839,452
2. Arizona	Secretary of state	Importer or manufacturer	Roads—state	1	40,778	17,289,872	172,899
3. Arkansas[3]	State auditor	Importer or manufacturer	Roads—state and counties[4]	4	97,929	40,511,896	1,620,476
4. California	State tax commission	Importer or manufacturer	Roads—state and counties	2	1,000,000	424,000,000	8,480,000
5. Colorado	State oil inspector	Retailer	Roads—state and counties	2	167,562	71,046,288	1,420,926
6. Connecticut	Commissioner of motor vehicles	Importer or manufacturer	Roads—state	1	150,913	63,687,112	636,871
7. Delaware	State treasurer	Importer or manufacturer	Roads—state	2	26,300	11,151,200	223,024
8. District of Columbia	Assessor of taxes	Importer or manufacturer	General fund	2	....	....	......
9. Florida	State comptroller	Importer or manufacturer	Roads—state and counties	3	135,893	57,618,632	1,728,559
10. Georgia	State comptroller	Importer or manufacturer	General fund	3	148,000	62,752,000	1,882,560
11. Idaho	Commissioner of law enforcement	Importer or manufacturer	Roads—state	2	53,367	11,954,208	239,084
12. Indiana	State auditor	Wholesaler or retailer	Roads—state and counties	2	482,678	204,655,472	4,093,109
13. Kentucky	State tax commission	Retailer	Roads—state	1	175,000	74,200,000	742,000
14. Louisiana	Supervisor of public accounts	Importer or manufacturer	Roads—state	1	110,000	46,640,000	466,400
15. Maine	State auditor	Importer or manufacturer	Roads—state	1	94,061	39,881,864	398,819
16. Maryland	State comptroller	Importer or manufacturer	Roads—state	2	157,346	66,714,704	1,334,294
17. Massachusetts[5]	State tax commissioner	Importer or manufacturer	Roads—state and counties	2	....	....	......
18. Mississippi	State auditor	Wholesaler or retailer	Roads—state and counties	1	85,645	36,313,480	363,135
19. Montana	State board of equalization and state treasurer	Importer or manufacturer	General and road funds	2	63,950	27,114,800	542,296
20. Nevada	State tax commission	Importer or manufacturer	Roads—state and counties	2	12,766	5,412,784	108,256
21. New Hampshire	Commissioner of motor vehicles	Retailer	Roads—state	2	52,434	22,232,016	444,640
22. New Mexico	State auditor	Wholesaler or retailer	Fish hatchery and road funds	1	24,614	10,436,336	104,363
23. North Carolina	Secretary of state	Retailer	Roads—state	3	209,400	88,785,600	2,663,568
24. North Dakota	State tax commission	Importer or manufacturer	General fund	1	99,000	41,976,000	419,760
25. Oklahoma	State auditor	Next recipient after inspection	Roads—state	1	240,000	101,760,000	1,017,600
26. Oregon	Secretary of state	Importer or manufacturer	Roads—state	3	133,995	56,813,880	1,704,416
27. Pennsylvania	State auditor	Retailer	General and road funds	2[6]	922,062	390,954,288	7,819,086
28. South Carolina	State tax commission	Wholesaler or retailer	General and road funds	3	103,049	43,692,776	1,310,783
29. South Dakota	State auditor	Importer or manufacturer	Roads—state	2	120,031	50,993,144	1,019,863
30. Tennessee	Commissioner of finance and taxation	Importer or manufacturer	Roads—state	2	145,000	61,480,000	1,229,600
31. Texas	State comptroller	Importer or manufacturer	School and road funds	1	571,981	242,519,944	2,425,199
32. Utah	Secretary of state	Importer or manufacturer	Roads—state	2½	54,001	22,897,224	572,431
33. Vermont	Secretary of state	Importer or manufacturer	Roads—state	1	44,613	18,915,912	189,159
34. Virginia	Secretary of state	Importer or manufacturer	Roads—state and counties	3	185,076	78,472,224	2,354,167
35. Washington	Director of taxation and examination	Importer or manufacturer	Roads—state	2	224,567	95,216,408	1,904,328
36. West Virginia	State tax commission	Importer or manufacturer	Roads—state	2	126,531	53,649,144	1,072,983
37. Wyoming	State treasurer	Importer or manufacturer	Roads—counties	1	34,753	14,735,272	147,353
Total					6,392,287	2,698,447,088	$51,691,459

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[1] Based on "The Gasoline Tax," by James W. Martin.

[2] Based on figures from Automotive Industries as published in *The New York Times* of November 29, 1923.

[3] Ten cents a gallon is levied also on cylinder oil.

[4] Part of county share is used for debt service.

[5] Law suspended pending referendum in 1925.

[6] Effective until July 1, 1925; after that one cent.

twenty-eight states devote the gasoline tax exclusively to highway purposes.

There is considerable diversity in the distribution of the gasoline tax for highway purposes in the thirty-six states. One-half of these states require the revenue from this tax for highway purposes to be expended under the direct supervision of the state highway department or commission. Usually the distribution is left to the discretion of the state highway officials, acting under the general provisions laid down by the legislature. Sometimes, it is provided that a certain proportion of the gasoline tax must be allotted to counties or to certain types of highway construction, as is the case in Oklahoma and Maine.

In nine states the revenue from the gasoline tax is divided between the state and the county agencies for road building. The basis of distribution, however, varies widely in these states. It may be a percentage of the total tax collected, as in Arkansas and Mississippi, where 25 per cent and 40 per cent, respectively, goes to the state highways and the remainder to the counties. It may be on the basis of a definite amount going to the state system and the remainder to the counties, as in Indiana and Nevada. It may be in the proportion which the mileage of the state highways within the county bears to the total mileage (Colorado), or the proportion which the number of motor vehicles registered in the county bears to the total number registered in the state (California), or in proportion to the amount contributed to the direct state tax on property by each county (Massachusetts).

EXEMPTIONS UNDER THE TAX

A number of the states specify that this tax is to apply only to gasoline and other motor fuels used to operate motor vehicles on the public highways. Under this arrangement gasoline and other volatile fluids used for such purposes as propelling boats, running stationary engines, and carrying on dry-cleaning processes, are exempt from taxation. The list of exemptions in some states, for example, Connecticut and Virginia, is quite extensive and entails considerable work in the administration of the tax. In fact, two-thirds of the states imposing a gasoline tax have allowed no exemptions. These states seem to regard the case of administration and collection as outweighing the few injustices that may result from the application of the tax to all gasoline sold. In those states that have granted exemption, the amount of the exemption is returned in the form of a refund rather than a remission of the tax in the first instance.

COURT DECISION WITH REFERENCE TO THE TAX

Several cases have already come before the state and federal courts on the constitutionality and other phases of the gasoline tax as applied in the various states. The constitutionality of the tax has been upheld in a number of cases.[2] Recently, a gasoline tax law enacted by the legislature of Louisiana under an authorization in the state constitution was declared by the court to be unconstitutional (*State* v. *Liberty Oil Co.*, 97 So. 438). The act referred to the tax as a license tax and required monthly payment of the tax, based upon the sales of the previous month, and prohibited dealers, under drastic penalties, from engaging in business, unless they paid the tax, notwithstanding, they might have paid a license under another act imposing a license tax upon oil dealers. This the court held was not in conformity with the state constitutional provision, since this provision provided for a sales tax, rather than a license tax on sales of gasoline.

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[2] Some of these cases are: *Bowman, Attorney General* v. *Continental Oil Co.*, 41 Supreme 606; *Askren, Attorney General* v. *Continental Oil Co.*, 252 U. S. 444; *Texas Co.* v. *Brown*, 266 Federal 577; *Standard Oil Co.* v. *Graves*, 249 U. S. 389; *Altitude Oil Co.* v. *Colorado*, 202 Pacific 180; *Pierce Oil Corporation* v. *Hopkins et al.*, 282 Federal 253; *Standard Oil Co.* v. *Brodie et al.*, 239 Southwestern 753; and *Amos* v. *Gunn*, 94 Southern 615.

The gasoline tax laws of several states provided that gasoline sold in the original package is not to be taxed. This seemed to be in harmony with the original package doctrine as laid down by the courts. However, the Supreme Court in a recent decision (*Sonneborn Brothers* v. *Keeling, Attorney General of Texas*, 43 Supreme Court Reported 643) ruled this to be an arbitrary distinction, and held that goods may be taxed, even though sold in the original package in which they came into the state, if imported from another state, provided the transaction clearly occurs within the state. Hence, these states may amend their gasoline tax laws so that sales in original packages may be taxed, if the transaction is clearly intrastate.

AGGREGATE REVENUE FROM GASOLINE TAX

It is difficult to estimate the annual yield of gasoline tax in the thirty-five states where it is now in operation. Some states have had the tax only a year, and other states have a new rate beginning with the year 1924. An estimate, however, has been made in the accompanying table on "Gasoline Tax," which shows a yield for 1924 of $51,691,000. The actual revenue will perhaps exceed this amount by four or five million dollars, since this estimate is based upon the 1923 registrations of motor vehicles.

THE MOTOR TRUCK IN OUR GREAT CITIES

The motor truck is a facility in transportation—one which is destined to play a large part in our completed transportation system. The following is from a recent release by a special committee appointed by the president of the U. S. Chamber of Commerce to study the relation of highways and motor transport to other transportation agencies. ::

In the terminal areas of our great cities, with their enormous concentration of population, our transportation system must perform four functions: (1) distribution of commodities, including food, clothing and other necessities, to the local population; (2) receipt and forwarding of goods in general commerce; (3) delivery of raw products to and collection of finished products from industries, and (4) interchange of freight between railroads (or between railroads and ships and barges). There is also the problem of the daily suburban passenger movement.

To fulfill their functions the railroads have had to build, all in or near the terminal area, yards for breaking up and making up trains, auxiliary yards for local switching, freight houses for receiving and delivering less-than-carload freight, team tracks for receiving and delivering carload freight, interchange tracks and belt lines for transfer of cars, and a variety of special facilities to handle particular commodities. To meet the public demand and the competition of other railroads, they have built into the heart of the city as far as possible, frequently establishing many local stations in one terminal area.

The operations of the railroad in such a terminal area are complex and costly. It is the delays here that virtually limit the capacity of the railroad as a transportation facility. It has been shown that an average trip of a freight car occupies 14.9 days, and that of such time the car is actually moving or delayed on the road in line haul only 1.64 days, and that during nearly nine-tenths of the total time the car is moving or standing within terminal areas.

PRESENT CONDITIONS AND PRACTICES

Two general classes of freight are moved by the railroad—carload and less than carload (l. c. l.). The two differ in three particulars:

1. Carload freight is loaded into and unloaded from freight cars by the trader or the trucker whom he employs, while l. c. l. freight is loaded and unloaded by the railroad employees.

2. Carload freight does not pass through a freight station, but is loaded and unloaded at the trader's expense on public team tracks or private tracks of industries. L. c. l. freight is loaded and unloaded over a station platform at the expense of the carrier. In most instances these freight stations are located on high-priced property in the congested areas of large cities.

3. L. c. l. rates are higher than carload rates because l. c. l. cars are seldom, if ever, loaded to anything like their tonnage capacity with this character of freight, and because of the heavy station expense incident to its handling.

The prevailing practice is to notify the consignee of the arrival of l. c. l. freight after it has been unloaded in the freight house, or the cars containing carload freight have been placed on the team or industry tracks. The railroads give the consignee an allowance of 48 hours free time for the loading and unloading of carload freight and for the removal of l. c. l. freight from the freight stations. Partly because of unorganized cartage methods and inadequate storage facilities and partly because many goods are sold after arrival at the terminal, a large proportion of the consignees take full advantage of the free time allowance, so that carload shipments on the average remain on the team tracks in excess of two days and inbound l. c. l. shipments remain in the freight houses an average of three days.

Failure to load and unload cars promptly at industries and team tracks ties up a large amount of the railroad equipment that could otherwise be moving freight. Failure to remove the l. c. l. freight from the freight houses often results in such congestion that the equipment is held up and moreover causes a piling up of goods in the freight houses, with great resultant delay and confusion in locating and removing shipments, and a general slowing down of the entire freight-house operation. The tendency of shippers to dump their outbound goods upon the freight house at the last moment produces the same effect. This in turn increases cartage inefficiency and costs by delaying the trader's vehicles.

Another practice involving wasteful use of cars and contributing to congestion is that of industries that have sidings loading l. c. l. freight into "trap cars." Such cars, generally loaded to only a small part of their capacity, have to be switched to a transfer platform in the break-up yard or elsewhere, where the freight has to be rehandled by the railroad and consolidated into cars for the line haul. The railroads themselves also make a similar use of cars for interchange of l. c. l. freight, and in some cities for movement between local freight houses and general assembly and distribution stations.

The general demand for more and better rail transportation is insistent, and the railroads are confronted by a serious dilemma. They must either add to their present terminal facilities or find a way to pass more freight through them. Enlargement or multiplication of terminal stations and team tracks in important terminal areas is practically impossible because of prohibitive cost, objection of municipalities to the expansion of railroad holdings in congested areas, and furthermore the additional traffic congestion that would result from greater centralization of cartage operations in such areas.

HOW THE MOTOR TRUCK CAN SERVE

There are three principal directions in which the motor truck can serve to relieve the terminal situation:

1. By organized cartage instead of the present go-as-you-please methods of receipt and delivery at the rail terminal; further than this, by store-door delivery, which is the real completed transportation.

2. By substitution of motor service for a part of the rail service. This would cover trap car l. c. l. freight service to industries and, in large measure, similar movement in interchange and between local stations.

3. By complete elimination of certain rail service. This would cover intraterminal movement, such as movement between industries or different plants of the same industry within the terminal area, which would then be handled by motor truck.

STORE-DOOR SERVICE

A well-organized system of store-door delivery by motor truck would be perhaps the greatest contribution to the solution of the terminal problem.

In organizing such a system, two objects, not only desirable but fundamental, must constantly be borne in mind:

1. Better service to the trader, without increased cost.

2. Economy to the carriers, this object being of vital importance because of its bearing on any future rate reductions.

At a large city, where the terminals are complicated, inbound l. c. l. freight should be delivered to the address of the consignee and outbound l. c. l. freight should be collected from the consignor by the cartage organization at a reasonable charge plus the freight rate, and in full co-operation with all rail and water carriers serving that city. Regarding the routing of freight over the various lines, some arrangement would have to be made for a fair and equitable distribution of the traffic so as to give the best service. Such a plan would involve co-operation by the cartage organizations, the carriers and the traders, and would produce the following results:

1. Inbound l. c. l. freight would be delivered promptly upon arrival. It should be arranged to dispatch the bulk of the inbound traffic from the stations as is done at English and Canadian freight stations. The delays arising under the present system of notifying consignee and holding goods until called for could thus be avoided.

2. The rail haul could begin or end

at an outlying station, readily accessible to highway vehicles, thus avoiding the delay and expense of moving cars or freight through the terminal to some l. c. l. freight station in the congested district. It is clear that so long as the freight is collected or delivered at the door of the trader, shipper or consignee, it does not matter to him at what point it is transferred from rail to truck or from truck to rail.

3. The railroads would be relieved of the necessity of maintaining expensive l. c. l. freight stations in the heart of the busy, and generally congested, business districts.

4. Street congestion would be reduced.

5. Shipments moving between large cities could be consolidated into fewer cars, thereby avoiding transfers and increasing the average lading of merchandise cars.

Careful consideration of these results will be convincing as to the tremendous benefits to be gained by the organization of a system of store-door delivery; but it is only fair to state that there will be objections from the traders and from the railroads, because of concessions which will be required from each.

At every city of importance, some railroads have decided advantages over others, in location and facilities, for the handling of l. c. l. traffic, and a serious objection to relinquishing such advantages will be offered by those railroad managers who do not realize that, under present methods, they are carrying l. c. l. freight to and from such cities at an actual loss. If careful analysis were made of the expenses incident to the handling of l. c. l. traffic by the railroads in large terminal areas, and if this traffic were charged with all of the expenses which are incurred solely by reason of it, these railroad managers would cease to compete for its carriage and would welcome any co-operative action that would reduce such expenses. The great economy in improved service, reduction of transportation cost, release of equipment, relief of terminals, prevention of loss and damage, and reduction in street congestion should control and force adoption of the system which would produce these results.

Because of the great number of people engaged in transportation, store-door service, although simple in operation, would have to be put into effect gradually, in order to educate the shipping public as well as the transportation employees and to avoid confusion:

(a) By the organization of a company or companies adequately equipped to perform the service;

(b) By helpful action on the part of the railroads to encourage the utilization of this complete system of transportation; and

(c) By co-operation of the traders in giving this service a full and fair trial.

Store-door delivery of carload freight would be limited to that which is delivered on public team tracks for industries which have no track connections, or at pier stations. The free time allowed to traders for loading and unloading carload freight on team tracks causes more delay to cars than is caused by the l. c. l. freight which passes through stations. Very effective arguments can be made in favor of store-door delivery of team track freight. It is therefore recommended that store-door delivery of team track carload traffic be included in the arrangements from the outset.

STORAGE

Railroad companies are organized for transportation and not for storage. In this country the railroads are furnishing storage in cars and stations for an enormous volume of freight, and most of the storage is free of charge to the trader.

Upon the railroads rests the obligation for prompt and regular service in the placement of cars for loading and unloading. Occasionally what ought to be daily movements of cars are bunched and the trader is notified of the arrival of several cars on one day, when he has ordered and arranged to load or unload one car on each of several days. There are also instances of delay in placing cars on team tracks after they arrive in congested terminals. These instances, however, are few compared with the whole number of cars placed on team tracks daily.

The trader cannot always accept his freight immediately upon its arrival within the terminal area, and for the freight which he cannot so receive storage facilities must be furnished, but they should be furnished elsewhere than in railroad cars or terminal stations. Public warehouses should be established at or near each industrial center within a terminal area, and when a trader is not prepared to accept his freight on arrival it should be carted to the warehouse nearest his industry and stored at his expense to await his convenience. Also it should be definitely arranged that where goods are delivered to a trader's store door and acceptance is refused, the cartage cost in both directions will be charged to him.

EFFECT ON STREET CONGESTION

Under the prevailing system of miscellaneous cartage which, with very few exceptions, is in use in all terminal areas in the United States, each trader sends to the terminal station his own or a hired vehicle to deliver or receive his particular freight. As a consequence, the streets leading to the terminal station are burdened with innumerable trucks and wagons containing only partial loads. The greater number of these vehicles are drawn by horses and contribute to the congestion far more than would the same number of motor trucks.

The substitution of an organized trucking system for the miscellaneous haphazard service now employed for station work would greatly increase the load efficiency of vehicles, thus reducing the number on the streets. It would speed up street traffic and reduce the danger to pedestrians.

EFFECT ON LOCATION OF STATIONS

Another distinct advantage which would follow from the establishment of organized collection and delivery would be the shifting of the loading and unloading of a large proportion of the freight cars from the present terminal freight stations and team tracks, in the most congested parts of the terminal area, to locations outside of the congested districts and on cheaper ground. Because, under present conditions of unorganized cartage, the trader is obliged to furnish his own cartage, he naturally wants to have his freight accepted or delivered at the station or team track which is nearest to his industry. At such new location, adequate stations and team tracks could be furnished.

FREIGHT INTERCHANGE BETWEEN RAILROADS AND SUBSTATION SERVICE

Notwithstanding the fact that, as rail terminals are now operated, the existing terminal facilities and car supply are admittedly inadequate for the accommodation of the traffic requirements, the railroads, at nearly all terminal centers, are using freight cars for the interchange of l. c. l. freight, The use of cars for this service not only seriously delays the traffic, but the practice adds to the congestion of the terminals. At one large terminal center three days is the average time consumed in such interstation movement; while at another, such movement is handled by automotive equipment, with the result that 95 per cent of the freight so moved is delivered to the forwarding line on the same day it is unloaded from cars by the receiving line.

In some cases, railroads have built substations outside of the congested district. At such substations l. c. l. freight is concentrated, unloaded and rehandled for distribution in cars to various stations, of which some are their own stations located in the business section and others are the stations of connecting lines. It has been proved, by several years of successful experience in Cincinnati and St. Louis, that instead of reloading this freight in cars, it should be handled by automotive equipment, to afford relief to the terminals and release cars for more profitable service. Unquestionably prohibition of the use of cars for this character of service would increase car supply and the capacity of existing terminals.

The substitution of motor trucks for freight cars in interchange and substation service would be accomplished most efficiently and economically by embracing this service within the scope of the activities of the organization which would furnish store-door collection and delivery.

TRAP-CAR SERVICE TO INDUSTRIES

What has been said regarding the use of freight cars in interchange and substation service would apply with equal force to "trap car" service to industries.

This service is one of the special privileges of the large trader, and is recognized by the railroads as unprofitable. Its discontinuance has often been proposed by them, not only because of its unprofitableness and its effect of increasing terminal congestion, but also because it gives to the trader who enjoys the private side track what is equivalent to free store-door collection of l. c. l. freight—an advantage not enjoyed by the traders having no direct rail connections.

A legal remedy for this practice lies with the Interstate Commerce Commission, which, in the public interest, should require the railroads either to discontinue performing service of this character or to charge for it rates commensurate with its cost.

SHORT MOVEMENTS OF L. C. L. FREIGHT

There is another class of intraterminal movements, namely, the local movement of freight between different industries or different plants of the same industry within the terminal area and between terminal cities and their suburbs.

A recent count by the railroads at New York, covering ten consecutive days in May, 1923, showed that 893 freight cars were engaged daily in short local movements within the lighterage district of New York. A large number of cars must also be engaged in moving freight between any large city and its nearby suburbs.

All such short movements of freight should be made by motor truck, which would be quicker and less expensive than by rail and would release for line haul a very large number of box cars.

The best available information indicates that such short movements of freight by rail are performed at an actual loss to the railroads, as the rates which they are allowed to charge are wholly inadequate to cover the expenses properly chargeable to this service over their most expensive property. Moreover, with the shortage of transportation facilities, it is wasteful in the extreme to use railroad equipment in this legitimate field of the motor truck. On the other hand, if truck service were properly organized, so that the trucker would have high load efficiency in each direction, the complete transportation of freight by truck within city and suburban areas could be furnished at reasonable rates which would be profitable to the trucker.

It is recommended that all such movements of freight be handled exclusively by trucks and that the railroads cancel their tariffs covering them and exclude such traffic from their stations. Already the trucks are handling a large volume of this traffic, for which they are furnishing a store-door service, and they are making deliveries within a few hours as compared with several days required by the railroads to perform only part of the transportation. In any event, the trucks must move the freight to the receiving stations and remove it from the delivering stations; they might better carry it all the way.

TWO VIEWS ON THE FINANCING OF STREET IMPROVEMENTS

I. A SOUND POLICY FOR FINANCING STREET PAVEMENTS [1]

BY J. E. PENNYBACKER

General Manager, The Asphalt Association

THERE are eight questions in connection with the financing of city paving which appear to me to be of sufficient importance to engage the attention of this conference.

STATE AID ON CITY THOROUGHFARES

First, state aid to those city thoroughfares which logically form a part of through routes on state and federal aid highways. So far as the flow of traffic is concerned the boundary lines of municipalities are wholly imaginary. The same traffic which comes up to the municipal boundary on one side winds its way deviously through the city and picks up the route on the far side, and for this reason it would seem in the interest of equity and economy that such routes through the cities should be partly financed from the same sources as finance the highways to the city boundaries. This financing would carry with it more intelligent routing and roadside marking, and the result would be less congestion in city traffic and immense saving in time and comfort to the through travelers.

INEQUITY OF ASSESSING PAVING COST ON ABUTTING PROPERTY

Second, a serious inquiry into the economic justification of assessing the cost of paving on abutting property. I am not prepared to say that this policy is wholly wrong, but I wish to point out certain weaknesses which have caught my attention. One of these is the extent of the financial burden imposed upon the abutting property owner. He pays his proportion of the cost of the pavement on the ground that it improves the value of his property. If this improvement does take place the assessor comes along and assesses the property at the higher valuation, and he pays the regular city rate on the increased valuation. Does not this appear to be charging him twice for the value which the pavement adds to his property? In the second place, there are many cities where the funds can only be raised under this method by the issuance of a bond or other obligation of the abutting property owners. These obligations do not have a consistently good market and it frequently happens that they are sold at a very heavy discount, with the net result that the cost of the pavement is thereby very greatly increased with no corresponding advantage either to the city or to the abutting property owner. Moreover, in a season when there is plenty of paving work to do, the best equipped contractors are not inclined to seek paving jobs thus financed, as they are frequently called upon to help in marketing the securities. Finally, the burden appears in the eyes of the abutting property owners to be so onerous as very often to result in a compromise whereby an inadequate pavement is laid which must ultimately be more costly than had the matter been handled right in the first place. I am personally inclined to believe that by an intelligent co-ordination of the engineering and finance departments of the city the just burden to rest upon the abutting property owners should be taken care of in the assessed valuation with the resultant justice to the property owner, the saving in the marketing of the necessary securities and the more efficient handling of the engineering features which would be insured by thus keeping the engineering department a little farther away from the property owners. I hardly think it necessary to outline here a detailed plan, but the operation would seem to me to follow about this course. A certain street is considered for improvement. The assessor's department thereupon makes a valuation study in conjunction with the engineering department and fixes the tentative value to abutting property and the approximate increased annual tax yield to the city at the prevailing rate on the increase in valuation. This revenue is then capitalized to determine the justifiable outlay measured in benefit to abutting property alone. If benefits to the city as a whole are involved, the justifiable outlay is correspondingly larger but with no additional burden on the abutting property. Securities are thereupon issued by the city as a whole, or the expense is met from current funds as may be best adapted to each municipality involved.

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[1] Address at the Twenty-Ninth Annual Meeting of the National Municipal League, Washington, D. C., November 16, 1923.

TAXPAYERS NOT TO DECIDE TYPES OF PAVEMENT

Third, the restoration to the engineering department of those engineering functions which are now too frequently exercised by the taxpayers. The examples are numerous in all parts of the country of local property owners either deciding for themselves the type of pavement which will best serve their needs, or petitioning in such a manner that the petition becomes authoritative, thus depriving the engineer of the exercise of those functions for which he has been especially trained. It may sound strange for the representative of a road material industry to urge the elimination of a policy which has so often worked to the advantage of those who have material to sell. I believe, however, that the policy is unsound and that in consequence both the paving industry and the taxpayers must suffer in the long run. I think you will find upon inquiry that the taxpayers have been induced to petition against their own interest to an amazing degree. They have asked for extravagant pavements and materials for inadequate types, for wholly unsuitable types, and all because they are undertaking to decide a question which can only be decided by the highly trained and competent engineer who not only has his own theoretical and practical knowledge but has before him all of the factors which should influence the selection of the pavement for a given need.

BASIS FOR DETERMINING OUTLAY FOR PAVING

Fourth, the establishment of a rational economic basis for determining the justifiable outlay for paving a given street. Just at this point I wish to direct your attention to a policy which has been ably developed in connection with the improvement of country highways by Mr. Charles M. Upham, state highway engineer of North Carolina. This policy calls for progressive paving by which the improvement is made in successive stages as the traffic needs and the financial facilities permit, progressing thus from an earth road through the various degrees of surface improvements until the highest type is applied, thus utilizing to the fullest extent the values previously credited. Applied to cities this would mean, first, thorough grading, the installation of drainage structures and the application of a relatively inexpensive surface such as sand-clay, gravel or crushed stone, these surfaces to be oiled where necessary and these improvements to be followed at a later date with additional stone or gravel in combination with a bituminous material in a higher type than mere surface treatment. Finally, as the traffic needs of the city increase, the old pavement could be fully utilized as a foundation for a modern sheet asphalt, asphaltic concrete, brick, concrete or other surface as might be determined to be most suitable. Necessarily, such a policy would involve careful attention to grade lines with an allowance for the ultimate thickness of the pavement so as to coincide with the grade lines of gutters, curbs, street car tracks and other features. A careful ascertainment of the economic value of a given street to the city as a whole and to the individual property owners could be co-ordinated with this progressive development of paving types.

This brings us to a consideration also of the problem of resurfacing. Mr. W. A. Bassett, in an able article in the *Engineering News-Record* of September 16, 1920, called attention to the fact that in the larger cities the repaving of existing streets is a much more important problem than new paving. This grows in importance with the increasing growth of traffic, and the problem of carrying on the resurfacing with the least possible interruption to traffic becomes almost of vital concern. It would seem that the larger cities at least should in the interest of economy and safety provide an adequate engineering appropriation to permit of a comprehensive planning of resurfacing in the congested areas so that the work could be co-ordinated into a definite program with a view to meeting traffic conditions, engineering problems involved and the necessary financing measures. The idea of picking out here and there a street for resurfacing as isolated appropriations become available is costly and inadequate. I believe an economic basis for a resurfacing program can only be established through such a planning provision. Aside from the consideration of progressive paving types and the resurfacing of existing pavements, there should be developed a system for measuring as accurately as practicable the economic importance of each thoroughfare and the consequent justifiable outlay for improvement.

The problem of measuring the dollars and cents value of country highways is much simplified by the gasoline tax. It is now a fairly simple matter to ascertain the approximate number of gallons of gasoline consumed annually by the vehicles on a given mile of road and the consequent revenue to the state through the medium of the gasoline tax. To this tax can be added a proportionate revenue from automobile license funds and the whole can be capitalized to determine the earning capacity of the highway. There is no fundamental difference which would prevent the application of the same method to the measurement of the economic value of a street. The main purpose of a thoroughfare is to provide an avenue over which traffic may move with comfort, economy and safety. The revenue which the traffic units yield to the administrative control, therefore, should appropriately be the measure of outlay which may be made for the improvement of the thoroughfare. At the same time we must not overlook the fact that city streets serve other than traffic needs to a much greater extent than do country highways. Fire protection, access to schools, the elimination of dust damage to valuable abutting property, the reducing of noise in the vicinity of hospitals and beautification of attractive areas are all considerations which tend to influence any generalization as to the economic value of a pavement. Great satisfaction to the taxpayers and to the management of cities would accrue from the knowledge that there is on record a justification for each improvement in the form of economic data showing the earning power of the thoroughfare in public revenue.

LIFE OF PAVEMENT VERSUS TERM OF BONDS

Fifth, the economic consideration of the relation of the design of the pavement to the life of the bonds. There has been a good deal in the development of our highway policy which has led us on the one hand to run to an extreme in the long life of bonds, and in a reaction to fix the life of the bonds at approximately the life of the pavement, with the result that in the first case the debt has outlasted the utility, and in the second case the bonds have been paid off when a considerable percentage of the improvement remained intact. This has been due, I think, to a failure to segregate the elements which enter into each paving project. These elements are three in number: namely, (a) grading and structures; (b) foundation; (c) wearing course or surface. It must be evident that when a thoroughfare is properly graded and the necessary bridges, culverts, drain pipes and ditches are constructed, a reasonably permanent improvement has been made. Then when a foundation is laid, which is the practice in practically all city work, this foundation has a durability less than that of the grading and structures element but greater than that of the wearing course. Finally the wearing course may be repaired or renewed without disturbance of the first two elements. It would seem to be economically sound that the proportionate cost of these three elements should be ascertained and a period of years be allotted to each in accordance with their probable durability and these periods weighted in proportion to the cost of each element. In this way a composite term of years would be derived which would permit an intelligent fixing of the life of the securities to be issued. In passing I might call your attention to this manifest advantage of the two-course type of pavement from a financial standpoint as it practically confines future outlays to a renewal of the wearing course rather than to a replacement of the entire structure.

So much has been said of the iniquities of the sinking fund bond and of the advantages of the serial bond that I shall not weary you with going over familiar ground. It seems to me a self-evident proposition that paying off each year a certain proportion of 5 per cent bonds rather than investing the money to earn only 3½ per cent in a sinking fund is sound business to say nothing of the elimination of the risk incident to the handling of sinking funds. I might also urge the importance of issuing of paving bonds as distinct obligations apart from any other city enterprises.

CLASSIFICATION OF STREET EXPENDITURES

Sixth, the clarification of the meaning of such important terms as construction, maintenance and resurfacing so as to permit of an intelligent measurement of outlay under each of these headings for any given improvement and to permit of a more equitable apportionment of the cost burden. I doubt if you can find three cities whose records compare as to the items which are properly included under these respective headings. The result is so to cloud the records as to make it difficult to determine whether a given pavement has been excessively costly in maintenance and upkeep or as to whether a given improvement should be regarded as a new pavement or properly within the maintenance appropriation. Not only does this confusion prevail, but under city ordinances which assess new construction on the abutting property owners, while the city as a whole takes care of maintenance and resurfacing, positive injustice results to the property owners who in one case pay the cost of new construction, while the property owners on another street under the guise of a resurfacing proposition are relieved of any financial burden. I believe that the cities should jointly work out a standard classification of expenditures which should be officially adopted and lived up to.

SALARIES OF CITY ENGINEERS

Seventh, the considerations of the law of supply and demand as it relates to the employment of engineers in charge of important city work. It may seem to be a rehashing of a much discussed question to refer to the salaries in city engineering departments, but the situation is in a measure different from that which concerns municipal salaries generally. The paving engineer is a specially trained man and he is worth what his services will bring in the market. If the city crystallizes its fiscal policy so that the engineer's salary is as unchangeable as the laws of the Medes and Persians, it follows that in a great many cases the engineer will leave the service of the city and go into producing and contracting organizations which have a keener appreciation of his work. It therefore becomes not merely a question of justice to the individual, but of common sense and economics to place the salaries of the city's engineering department on a basis which will permit it to compete with outside industry in order to obtain the best engineering skill for its work.

ECONOMIC FACTORS IN STREET IMPROVEMENTS

Eighth and finally, the co-ordination of the economic factors which are involved in every street improvement. It is quite usual to see newly completed pavements torn up at frequent intervals on account of some underground service such as call for gas mains, electric light and power lines, water mains and others in a similar category. It may be impracticable to make much change in existing methods in the case of streets which have already been paved, but certainly where a new paving project is involved or where resurfacing is contemplated a comprehensive plan should be worked out looking to the reduction of these destructive practices to a minimum. The relation of the type of paving to the economic welfare of the city might be considered under this heading, such, for example, as the effect of the type or design of pavement upon interruption to traffic. Consider for a moment the serious interruption to the business of a great city incident to the closing of the main thoroughfares to traffic with consequent detours and the shutting off of important business enterprises from the full access of their patrons.

I might, if time permitted, cite other problems which are involved in the financing of a city paving program, but I have confined myself to those which appear to me to be very real and which are capable of intelligent handling.

In presenting these questions I do not mean you to infer that the faults which I have mentioned are common to all of the cities, or that the remedies that I have indicated have been overlooked. There is nothing new under the sun, and I am not taking any particular credit to myself for suggesting something new. The chief merit, if any, which this paper might possess is that it directs your thoughtful attention to questions of important concern.

II. FINANCING STREET IMPROVEMENTS BY MEANS OF SPECIAL ASSESSMENTS

BY LUTHER GULICK

National Institute of Public Administration; Chairman, National Municipal League Committee on Sources of Revenue

Mr. Pennybacker's paper on "Financing Street Pavements" is one of the clearest and soundest statements of accepted standards of highway financing which has been presented to any conference. This was to be expected, because Mr. Pennybacker speaks from wide first-hand knowledge of present American practice and from many years of thought on this particular problem.

THE PENNYBACKER PLAN

Mr. Pennybacker puts forward eight basic propositions. The points he has chosen to emphasize and the clean-cut manner in which he has treated each point leave little to be desired. There is, however, one important proposition on which many will part company with Mr. Pennybacker. This is point number two, dealing with special assessments. In this division of his paper, it is suggested that special assessments be abandoned as a means of financing improvements and that general municipal revenues or bond funds be used instead. While Mr. Pennybacker makes a number of perfectly valid minor criticisms of present special assessment practices and procedure, his proposition rests upon a single fundamental idea which, if sound, makes untenable the entire theory of special assessments. This basic idea is that the property owner pays for his improvement twice under the system of special assessments; once when he pays the special assessment and again, when he pays the general property tax on the increased valuation of his property due to the improvement. It is the purpose of this comment to examine this hypothesis.

CONCRETE ILLUSTRATION

It is always easier to think of these matters in concrete terms. Let us, therefore, assume that there are four property owners, A, B, C and D. We will say that A, B and C each own $10,000 homes, while D's property is valued at $11,000. A lives on a street which is subsequently improved. He is assessed $1,000 for benefit. With this benefit, the value of his property now goes to $11,000. B builds a garage on his place, bringing up the value of his home to $11,000 also. C's property remains at $10,000 and D's at $11,000. We will assume that the general property tax rate stands still at 2 per cent. When the tax gatherer comes around, after the assessor has made his new assessments, he finds that A, B and D are each listed at $11,000 and owe $220, while C is taxed for $200.

Under present systems of local taxation, these taxes go into the general funds of the city to pay for the general services rendered to all the citizens. A and B are asked to pay a tax increase of $20 each; A, because the value of his place has gone up as a result of the local improvement, and B because the value of his place has gone up as a result of the new garage. A is required also to pay his special assessment of $1,000, or such part of it as may be due during the year in question.

Under Mr. Pennybacker's plan the taxes for B, C and D would be the same as under the present system. The only difference occurs in the case of A. He is relieved of the $1,000 special assessment. His tax remains at the old figure $200, while he is called upon to pay an additional $20 due to the increase in his valuation. This $20 is not a part of the general funds of the city. It is to be considered as a special payment to amortize the city's investment in the improvement. Under the Pennybacker plan, A pays less taxes for the general support of the government than B or D, whose properties have the same market value as his, and the same taxes as D, whose investment is $1,000 less. This is in violation of the fundamental idea underlying the general property tax.

PROPERTY TAX THEORY

The general property tax theory is that the general burden of financing the government is to be distributed to individuals in proportion to the value of their property. It makes no difference how a piece of property acquired its value, whether it is due to the growth of population, the discovery of oil, the building of a house or the paving of a street, that value is used to measure the share of the total general tax burden which it must bear. It follows, therefore, that every dollar collected through the general tax levy belongs to the general funds and cannot be considered as assignable to special funds to be spent for the benefit of special individuals.

In the case of a special assessment the government makes a local improvement for a group of property owners, primarily for their direct personal benefit. The improvement enhances the market value of their property. In some cases the property owners might have made the improvement themselves. But in any case, they should pay their legitimate share of the costs. This payment has nothing to do, however, with subsequent tax payments. It is on the same footing as other payments which improve property. The fact that it was made to the government has no significance; lands bought from the government, as at tax sales or when public properties are sold, are of course subject to taxation as soon as they become private property.

PRACTICAL DIFFICULTY

There is a further practical difficulty in Mr. Pennybacker's plan. He proposes in effect that the tax collected on the increased valuation resulting from the local improvement be used to amortize the cost of that improvement. The practical difficulty is that this never will amortize the improvement; it will not even pay the carrying charges. In the case of A above, the cost of the improvement and the benefit chargeable to him was $1,000. Assuming that the city can borrow the money for this construction at 4 per cent, the annual carrying charges would be $40. Under the 2 per cent tax rate assumed, A would pay $20 additional in taxes each year, or only one half of the interest charges alone, to say nothing of amortizing the principal. Until tax rates on a full valuation are as high as interest rates on municipal borrowings, the tax on the increment will fall short of the annual carrying charges.

Where the improvement is made from current funds, the situation is no different, unless you take the position that the city is not entitled to interest on its advance. Though such a position is hardly tenable, it may still be pointed out that, with a tax rate of 2 per cent, it would take fifty years to pay the capital value of an improvement, which is somewhat longer than most street improvements endure. Even if the payments are compounded at 4 per cent, it would require twenty-eight years—and it should be pointed out that it is inconsistent to credit this account with compound interest when you do not charge it with interest at all.

SUMMARY

In conclusion it may be said, therefore, that in the writer's judgment, the plan to abandon special assessments and to finance improvements from increased taxation due to the increase in value as a result of local improvements is theoretically unsound and practically unworkable. It will not produce the necessary funds nor will it impose any special burden upon property specially benefited by a local improvement.

OUR LEGISLATIVE MILLS

IX. THE SINGLE-CHAMBER LEGISLATURE OF MANITOBA

BY ARCH B. CLARK
University of Manitoba

This article is further evidence that we can study with profit the legislative organization and procedure of the Canadian Provinces.

Manitoba was created a province of the Dominion by Act of the Parliament of Canada in 1870. By this act, the legislative power was vested in two chambers: (1) a legislative council of seven members—to be increased after four years to not more than twelve—nominated by the governor-general in council, that is in effect by the cabinet at Ottawa, and (2) a legislative assembly elected by popular suffrage.

The legislative council, however, was soon attacked, and was finally abolished by Provincial Act in 1876; and since then in Manitoba, as in all other Canadian provinces, with the exception of Quebec and Nova Scotia, the legislature has comprised one chamber only.

The legislative assembly, consisting at present of fifty-five members, is elected for a term of five years, unless sooner dissolved by the lieutenant-governor at the request of the provincial cabinet; and it has full power to make laws concerning the local affairs of the province. As in all other Canadian legislatures, the members are paid a "sessional indemnity," the present sum being $1,500. There is a very general opinion that, in view of the present population of something over 610,000, the number of members is excessive.

PROVINCIAL LEGISLATIVE POWERS

The exclusive legislative power granted to the Canadian provinces by section 92 of the British North America Act embraces sixteen enumerated classes of subjects, fifteen being specifically mentioned and the sixteenth consisting of the residue of "generally all matters of a merely local or private nature in the Province." Amongst the subjects specifically assigned to the provincial legislatures are several of the very first importance, including direct taxation within the province for the raising of a revenue for provincial purposes, the borrowing of money on the sole credit of the province, municipal institutions, property and civil rights, the administration of justice, and the amendment from time to time of the constitution of the province, "except as regards the office of Lieutenant-Governor." Section 93 adds to the list exclusive authority to make laws relating to education in the province.

The Manitoba legislature has several times made use of its authority to amend the constitution. Thus in 1876, as already noticed, it abolished the legislative council; in 1890 it abolished the official status of the French language; in 1908 it extended its term of office from four years to five; and in 1916 it took the lead in Canada in extending the franchise to women, thus establishing adult suffrage.

The power of a provincial legislature to amend the constitution of the province does not, however, extend to the handing over of its legislative authority to the electorate by means of the initiative and referendum. The latter in itself, indeed, amounts to nothing more than legislation conditional on approval by popular vote—a general application of the principle of local veto. But the initiative actually supersedes the deliberative function of the legislature. For this reason, and also because it would have vitally affected the office of the lieutenant-governor, the Manitoba "Initiative and Referendum Act," 1916, was declared unconstitutional by the courts of Manitoba and also by the judicial committee of the privy council. The mode of procedure outlined in that act has, however, been practically followed in repeated referenda on the liquor law of the province.

RELATION BETWEEN PROVINCIAL AND DOMINION GOVERNMENTS

Here it should be noted that there is an important distinction between the relation of the provincial government to the dominion government in Canada and that of the state government to the federal government in the United States. The powers of the federal government in the latter are limited to those enumerated in the constitution, all others being left to the state governments. In Canada, on the other hand, the powers of the provincial governments are limited to those assigned to them by section 92 of the British North America Act, 1867, including, however, as we have seen, a residuary power in respect of all matters of merely local or private provincial concern. All powers outside this category are left to the dominion government.

Twenty-nine different classes of subjects are enumerated in section 91 as being matters over which the Parliament of Canada has exclusive legislative authority. They are specifically mentioned "for greater certainty but not so as to restrict the generality" of the power granted to the dominion parliament "to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces."

It thus appears that in Canada, while the powers of the dominion parliament are much more comprehensive than those of the provincial legislature, they yet exercise co-ordinate authority, each being sovereign within the sphere of its proper jurisdiction as defined by the constitution, and the two together cover the whole field of legislation bearing on the internal affairs of Canada. The dominion parliament has no authority to legislate on matters of merely provincial concern. But where a matter purely provincial in its origin comes to affect the interest of other provinces, or of the dominion as a whole, the Parliament of Canada has the right to legislate, and, if necessary, override provincial legislation.

No clear-cut line of division exists in nature, and no hard and fast distinction, therefore, can be drawn, between matters of national and those of merely provincial interest. This is expressly recognized in the cases of agriculture and immigration, the only subjects over which the dominion and the province enjoy, under the written constitution, concurrent powers of legislation. In practice, however, there are other subjects such as the liquor traffic which, in different aspects, fall within both the dominion and the provincial fields, and on which concurrent legislative authority actually is recognized.

There is, moreover, considerable overlapping between the classes of subjects expressly assigned to the dominion parliament and those placed under the exclusive authority of the provincial legislature. Where such overlapping occurs, and wherever concurrent legislation actually exists, the dominion law prevails in the case of a conflict. But it may not invade the proper sphere of the province. Thus, for example, the exclusive authority of the dominion to raise money by any mode or system of taxation cannot invalidate the equally exclusive authority of the province to levy direct taxation for provincial revenue purposes.

There are, however, always debatable marginal cases, and the act which is the basis of the Canadian constitution recognizes this in the general terms in which residuary powers are assigned to the province and the dominion respectively. The courts are left to interpret these terms in their specific application to concrete cases as they arise, sections 91 and 92 of the B. N. A. Act being read together and each interpreted in the light of the other. The exclusive authority of the dominion parliament in the regulation of trade and commerce, for example, has been held not inconsistent with provincial legislation to secure uniform conditions in fire insurance policies. Thus the act has been supplemented by a growing body of case law by which constitutional development is gradually adjusted to and keeps pace with the needs of society.

THE DOMINION POWER OF DISALLOWANCE

The governor-general in council, or, in other words, the dominion government, has also the power to disallow provincial enactments deemed inimical to the general interest of the dominion, provided that this power is exercised within one year of receipt of any such act from the lieutenant-governor of the province.

In the early years of the province, three acts of the Manitoba legislature were disallowed by the governor-general in council, on the ground that they were inexpedient, unjust or interfered with private property rights. At that time the theory prevailing at Ottawa seems to have been that the provincial legislatures were merely "big county councils"—municipal agents of the dominion government—with a delegated authority, the equitable exercise of which that government had the right to supervise.

But that position has now been abandoned, and the generally accepted view to-day may be summarily stated thus: (1) A Canadian province, like the dominion itself, is a sovereign state within the jurisdiction allotted to it by the British North America Act. (2) The remedy for an unjust act of the provincial legislature is to be sought not in disallowance by the dominion, but in an appeal to the electors of the province. (3) The question whether any act is *intra vires* the provincial legislature, is one for determination by the law courts—the supreme court of Canada, and, in the ultimate resort, the judicial committee of the privy council. (4) Only where legislation is plainly *ultra vires* the province, can the dominion's power of disallowance be legitimately exercised. It should, however, be added that provincial legislation that is *ultra vires*, even if allowed by the dominion to pass, may be successfully challenged by the private litigant.

POSSIBLE ABUSE OF SOVEREIGN POWER

It is a fundamental principle of British constitutional law that "an Act of Parliament can do no wrong"—that, given sovereign legislative power, the justice of the legislation cannot be legally questioned. "The Legislature within its jurisdiction," says Mr. Justice Riddell, "can do everything which is not naturally impossible, and is restrained by no law human or divine. . . . The prohibition 'Thou shalt not steal' has no legal force upon the sovereign body, and there would be no necessity for compensation to be given."

A national parliament, however, with a long historical background, honorable traditions and accumulated experience, may be trusted on the whole to use its sovereign power with some regard for equity, if not for equity's sake, yet because it recognizes that good morality is, in the long run, not only good economy but sound politics as well.

But in the case of the provincial legislatures, there has occasionally been too much reason for suspecting a very imperfect appreciation on their part of the elemental truth that it is never, in the long run, in the interest of any government to do anything calculated to undermine that sense of security on which the whole structure of modern industry and commerce rests. Not infrequently the majority of the members have been men, actuated doubtless by the best of motives, but of very limited political experience, ignorant of the root principle of representative government, and thus too apt to regard themselves, not as members of a deliberative assembly, but merely as delegates pledged beyond recall to support by speech and vote what are often but ill-thought-out policies of social and economic reform.

In the sphere of taxation, for example, this failing has resulted in the legislature of Manitoba and in greater degree those of her sister provinces to the west, adopting on their own part, or sanctioning on the part of their delegates, the municipalities, a system of penal taxation of the owners of unoccupied land that in effect amounts to a process of gradual confiscation. Again, laws have sometimes been passed without the least regard for the sanctity of existing contracts, tacit or express.

On this ground, there is doubtless something to be said for the now discarded view that the dominion's power of disallowance of provincial statutes should be exercised where such enactments are clearly at variance with the principles of justice, involving, for example, invasion of private property rights or violation of contracts. But against this view must be set that which emphasizes the educative effects of responsibility, and insists that only in and through the exercise of responsible power do men and women become fit to use it wisely and well. In any case, the dominion's power of disallowance, in the case of legislation of the type above described, is now unlikely ever to be revived.

A SECOND CHAMBER NO REMEDY

Nor is anything to be expected from a resuscitation of the nominated second chamber, even if that were politically possible. It is generally admitted that a nominated second chamber, while it might delay, could not permanently resist hasty or inequitable measures passed by the representative assembly, under the influence of a real or supposed popular demand; while the necessary delay could be quite as effectively secured by amending the legislative machinery of the assembly itself.

To resist effectively the will of the representative assembly, the second chamber must itself be popularly elected; and the arguments in favor of such a chamber appear to have greater weight on the whole under the system of presidential government, in which the executive is separated from the legislature, than under the system of parliamentary government, in which the heads of the executive—the cabinet—are themselves members of the legislature, virtually nominated by and responsible to it.

The nominated second chamber or

legislative council survives only in two of the nine provinces of the dominion, namely Quebec and Nova Scotia, and in the latter there have been repeated attempts to secure its abolition. It may, therefore, be fairly said that opinion in English-speaking Canada has shown itself as the outcome of experience overwhelmingly in favor of the unicameral provincial legislature.

In fine, just as the general existence of two chambers in the state legislatures of the United States is held to illustrate the principle of survival of the fittest in the field of political constitutions under the system of presidential government, so the predominance of the single chamber in the provincial legislatures of Canada may be said to illustrate the working of the same principle under the system of parliamentary government.

THE PARLIAMENTARY SYSTEM EDUCATIVE

The continuous public discussion and criticism of government measures and policy, which the parliamentary system stimulates, is an effective school of political education. It quickens the sense of responsibility on the part of the members of the legislature, with the result that no government can long persist in a policy which does not enlist the support of the electorate. In the Canadian provinces, moreover, the term of office of the legislative assembly is short, and there is always the possibility of a dissolution before the legal term has expired. Thus a public politically educated and alert, aided by a vigorous parliamentary opposition, with an appeal to the electors ever on the horizon, provides a much more effective check on the abuse of its powers by a provincial assembly—a more active incentive to moderation, conciliation, and compromise—than any second chamber could furnish.

On the moral and political education of the electorate, therefore, and on that alone, rests our ultimate security for freedom from unjust legislative interference with personal liberty, private property rights, or violation of contracts. An educated electorate is in short an essential condition of successful democracy.

THE LIEUTENANT-GOVERNOR

The formal head of the provincial government is the lieutenant-governor who is appointed by the governor-general in council by instrument under the great seal of Canada, that is by the executive government of the dominion as representing the Crown. He holds office "during the pleasure of the Governor-General," but practically for a term of five years, which, however, may be and often is renewed. He may indeed be removed by the governor-general in council within the five-year term, but only for cause assigned. This, however, has never happened in Manitoba.

The lieutenant-governor is thus not a mere official, holding office as the creature and at the will of the dominion executive. His constitutional position and functions can be altered only by an act of the Imperial Parliament amending the British North America Act. As already noticed, while the provincial legislature is given exclusive power to amend the constitution of the province, the office of lieutenant-governor is specifically excepted, though it has been decided that this does not prohibit the legislature from increasing the powers and duties appropriate to the office.

The lieutenant-governor is the representative of the Crown in the province for purposes of provincial government, just as the governor-general is His Majesty's representative in Canada for purposes of dominion government. As such, he must maintain an attitude of strict impartiality as between political parties, whatever may have been his party associations before entering government house. Incidental to his office are various social functions, and he has the leading part to play in all state ceremonies. All sessions of the legislature are formally opened by him with a "speech from the throne," for the contents of which, however, he has no responsibility, since it expresses not his views and policies, but those of his ministry.

All supply votes, in accordance with British constitutional usage, must be recommended to the assembly by a message from the lieutenant-governor on the advice of the cabinet, in the session in which they are passed. "The Commons," says Sir T. Erskine May, "do not vote money unless it be required by the Crown, or impose or augment taxes unless they be necessary for the public service as declared by the Crown through its constitutional advisers." This provision of the constitution alone, at a recent session of the legislature, prevented the provincial income tax bill from being so amended as greatly to increase the rate on the higher incomes.

When a bill has been passed by the legislative assembly the lieutenant-governor may assent to it in His Majesty's name, in which case it becomes law, or he may legally withhold such assent if in his judgment the bill is opposed to the interest of the dominion as a whole, or he may reserve it for the pleasure of the governor-general in council. But in practice his right to withhold assent and his right to reserve are as obsolete as is the king's veto itself at Westminster or Ottawa. For in all such matters the lieutenant-governor acts not on his own judgment, but upon the advice of his ministers, who, so long as they have the support of a majority in the legislature, are, under the system of responsible government, his constitutional advisers.

At the same time, it would be a mistake to conclude that, with a single-chamber legislature, the part played by the lieutenant-governor in provincial government is merely nominal. On the contrary, his office is no sinecure. He has a very real and responsible duty to perform as guardian of the law governing executive or administrative action on the part of his ministry. All decisions of the cabinet involving such action should be submitted for his approval, and only when assented to by him do they become orders-in-council.

Thus he is in a position to check, and in duty bound to check, any irregularity or breach of the law or conventions of the constitution by his ministers. He may dismiss his ministry, but he must find another to replace it which either has the support of a majority in the existing legislature or can secure such support by means of a dissolution and a general election. Failing this, he may himself be removed from office by the governor-general on the advice of the dominion cabinet. No lieutenant-governor of Manitoba has yet taken the extreme step of dismissing his ministry. That has, however, been done on two occasions in Quebec, and twice also in British Columbia; and once in each of these provinces it has led to the removal of the lieutenant-governor on the ground that his usefulness as lieutenant-governor was gone.

But without actually dismissing his ministers the lieutenant-governor may, in case of need, compel them to appoint a commission to investigate the legality of their own administrative actions. Thus, in 1915, the conservative government of Manitoba, under Sir Rodmond Roblin, after a long period of control, had just been re-elected, but with a diminished majority, when it was charged in the legislature with having permitted overpayments to the contractor for the new Manitoba parliament building, who in turn, it was alleged, had agreed to furnish money for electoral purposes. On the government resisting in the legislature the demand for an enquiry, the lieutenant-governor, Sir Douglas Cameron, intervened and practically forced it to appoint a commission of investigation, after which the Premier tendered the resignation of the already discredited cabinet. The liberal leader, Mr. Norris, was sent for, formed a ministry, asked for a dissolution, and at the ensuing election obtained an overwhelming majority in the legislature.

It thus appears that, under the unicameral system of government, there are occasions, abnormal it is true, when, owing to unforeseen developments, even a newly elected legislature may clearly have ceased to represent the will of the people; and at such times the intervention of the lieutenant-governor may be necessary in order to secure a speedy response to that will.

THE EXECUTIVE COUNCIL OR CABINET

The lieutenant-governor summons the recognized leader of the party or group having the largest number of members in the legislature and invites him, as Premier, to form a ministry. This ministry, or as it is commonly styled cabinet, is the executive council.

The cabinet in Manitoba usually consists of seven members. It includes: (1) the Premier, who is president of the council, and also at present minister of agriculture—responsible in this latter capacity for the control of immigration so far as that lies within the power of the province, the administration of the game laws, and hitherto also agricultural education; (2) the attorney-general, who is responsible for the administration of justice; (3) the provincial secretary, through whose office pass all communications affecting the government in its relation to other governments; (4) the provincial treasurer, whose office, since it is excelled in substantial importance by none, and is more exacting than that of any other minister in the provincial cabinet, may detain us a little.

The business of the provincial treasurer is the general administration of provincial finance, including the raising of the revenue necessary for the maintenance of the public services, and the preparation, as well as the exposition and defence in the legislature, of the annual budget or estimated balance sheet of revenue and expenditure for the current financial year. The budget speech usually contains a comparison of the estimates of revenue and expenditure of the past year with the actual results; a general survey of the financial position of the province, including its capital assets and liabilities; a summary statement of the requirements of the new financial year, the details of which are before the legislature in the printed estimates; and an exposition of the manner in which it is proposed to balance revenue and expenditure, whether by reduction of or additions to existing taxes, the imposition of new taxes, or by borrowing.

While the cabinet as a unit is held to have approved of, and is responsible to the legislature for the budget as a whole, the task of justifying the different items in the estimated expenditure rests primarily on the minister in whose department they lie, the provincial treasurer being called upon to justify his proposals for raising the necessary revenue.

Under the present distribution of functions, however, the provincial treasurer is also minister of telephones, commissioner of provincial lands, and railway commissioner, the last mentioned office being chiefly concerned with the renting of the government grain elevators.

The ministers above mentioned hold what may be described as the primary and essential offices of government. The others in the Manitoba cabinet are: (5) The minister of education, who is responsible for the administration of the education act under which the school system throughout the province operates; (6) the minister of public works, who is responsible for the administration of the drainage acts and for the maintenance of public institutions such as the legislative building, law courts, land titles offices, hospitals, asylums, industrial training schools, detention homes, and also provincial highways; (7) the minister of municipalities, generally styled the municipal commissioner, whose chief concern is the administration of the law governing municipal activities and in particular municipal borrowing. Subject to the minister of municipalities is also the tax commission, the functions of which include the supervision of municipal assessments and their equalization for the purpose of general provincial levies, as well as the collection of the different branches of provincial revenue. The duty of administering the public utilities act is likewise, under present arrangements, entrusted to the minister of municipalities.

All ministers must be members of the legislature, and any private member accepting an office in the ministry to which emoluments are attached must resign his seat and seek re-election.

The ministry or executive council is responsible for the government of the province, and holds office only so long as it has the support of a majority in the legislative assembly. This cabinet system of government thus ensures a ready response to the will of the majority of the people's representatives and, through that, to the will of the people themselves.

For, in case of a defeat in the legislature which can be construed as equivalent to a vote of want of confidence, the Premier must either ask the lieutenant-governor to dissolve the legislature or tender to the latter his resignation, which by constitutional usage carries with it that of the other members of his cabinet. In the latter case, the lieutenant-governor either summons the leader of the strongest section of the opposition to form a ministry, or, if that is impracticable, requests the retiring ministry to retain office pending an early dissolution and an appeal to the electorate by means of a general election. If the opposition leader succeeds in forming a ministry, but feels that he has inadequate support in the legislative assembly, he asks for and obtains from the lieutenant-governor an early dissolution. The outcome of the election then determines whether the existing ministry shall return to power or a new ministry be formed by its opponents.

PARTIES IN THE LEGISLATURE

The problems with which the provincial legislature has to deal, and the manner of dealing with which gives rise to opposing parties, are very different from those that confront the dominion parliament, and there is thus *prima facie* no reason why there should be any relationship between provincial and dominion parties of the same name. But while the problems themselves are different, the general political principles which govern the action of the respective parties are very much alike in both spheres; and, as a matter of fact, there has, as a rule, been a fairly close and sympathetic co-operation between the dominion and provincial parties of the same political hue.

Up till 1920 the two-party system prevailed in Manitoba, the government being either conservative or liberal according as one party or the other had for the time being the majority in the legislature. Since then, however, the social and economic effects of the Great War have contributed to loosen, for the time at least, old party ties, even in the sphere of provincial politics. Labor disputes, culminating in the general strike in Winnipeg in 1919, resulted in the election to the legislature in 1920 of a small but active labor group, while the fall in the prices of agricultural produce and the growing burden of taxation led to rural discontent, and to the election of an "Independent Farmer" group. The result was that for almost two sessions (1920–22) the liberal government under Premier Norris, whose party, though the largest group, were yet in a decided minority in the legislature (21 against 34), escaped defeat only through the mutual antipathies of the opposition groups.

At the general election in July, 1922, however, the United Farmers of Manitoba, having formally entered the field of provincial politics, elected the strongest group, with half the seats in the legislature, and organized the present government under the premiership of the Hon. John Bracken, formerly principal of Manitoba Agricultural College. This progressive or farmer government, confronted with a divided opposition of liberal, conservative and labor members, was able, in the course of the first session of the legislature, to secure the passage of some important measures, including a bill for the imposition of a provincial income tax, but only after a session lasting upwards of fifteen weeks (January 18 to May 7) as contrasted with a normal session of about two months. This prolongation of the session was mainly due to the want of a clear and compact majority of government supporters in the legislature. Under such conditions the grip of the government is naturally less firm, and dreary declamation flourishes to the detriment of business. Members take full advantage of their right to address questions to ministers, or move the adjournment of the debate in order to prepare full-dress orations, while motions for leave to move the adjournment of the debate, in order to call attention to some definite matter "of urgent public importance," furnish the opportunity for lengthy speeches and even an occasional all-night sitting. An attempt to deal with this situation has been made at the present (1924) session by the adoption of a closure rule, under which, on the motion of a minister, speeches may be limited to thirty minutes. This tendency to tedious discussion is especially apparent in the debate on the reply to the speech from the throne, which, instead of occupying only a few hours at the opening of the session, is made to extend over weeks; and again it appears in the discussion of the financial proposals of the budget, the presentation of which by the provincial treasurer is in general the most important event of the session.

But, if on such occasions the speeches are only too often decidedly more remarkable for quantity than for quality, it must be admitted that this is a weakness that may reasonably be expected to diminish with the return of more stable political conditions, and the steady if slow progress of political and economic education.

RECENT BOOKS REVIEWED

The Development of National Administrative Organization in the United States. By Lloyd M. Short. Johns Hopkins Press, 1923.

This is one of the series of substantial volumes, classed as Studies in Administration, published by the Institute of Government Research at Washington, D. C. This series and that on Principles of Administration and the more numerous but shorter Service Monographs now form a considerable library on public administration, historical, descriptive, critical and constructive.

The present volume is, logically, a historical introduction both to the series of Service Monographs, and to W. F. Willoughby's volume on the "Reorganization of the Administrative Branch of the National Government." It gives a connected and comprehensive account of the development of the central administrative machinery of the national government at Washington, but does not include the local agencies and field services throughout the country and abroad.

After an introductory chapter on the general problem of administration, the study is divided into two main parts, covering the periods before and after 1860. One chapter deals with the administrative experiments under the Continental Congress and the Confederation, and another covers the establishment of the administrative system under the Constitution of 1787. The several departments and detached services are then taken up in order, followed by chapters on administrative agencies during the World War, the President as administrator-in-chief, proposals for administrative reorganization and conclusions. There are outlines of the administrative system in 1860 and 1923, bibliographical references and a good index.

The monograph shows a thorough and careful analysis of a great body of detailed facts, systematically classified and arranged, with convenient summaries which emphasize the general tendencies, and also the distinctive features of particular departments and administrative agencies, criticisms of the existing arrangements and the problems of reorganization.

While primarily written as a doctor's thesis at the University of Illinois, the author has had the advantage of several periods of residence in Washington, on the staff of the Institute of Government Research; and he has thus been able to make use of personal contacts with the administration in action, in addition to the great body of official and unofficial source and secondary material.

The book forms a distinct and useful contribution to the knowledge of the administrative branch of the national government; and will be of special value to members of Congress and administrative officials, to teachers and students of government, to all who are seriously interested in the practical problems of government.

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The Government of Lower Merion Township. Published by the Commissioners of Lower Merion Township, Ardmore, Pennsylvania, 1922. Pp. 370.

This volume comprises a survey made in 1922 by the Bureau of Municipal Research of Philadelphia at the request of the commissioners of Lower Merion. It covers the form of government, legal limitations, policy determining processes and administration of a township situated adjacent to Philadelphia with an area of approximately twenty-five square miles and a population of 23,866.

To a student of local government this community provides an unusual opportunity for municipal introspection. The proximity to Philadelphia places it in a suburban area making its life and problems dependent in part upon the city's sphere of influence. In its type of government there is a nice mixture of the old and new forms, with experience and practices adjusting themselves to a changing environment. There is a suggestion of the English in its governmental processes. Authority is vested in a board of township commissioners whose members are divided into standing committees to direct policy and administration in matters of finance, highways, fire and police, health and drainage, playgrounds, law and building regulations. In most instances technical officials report to these committees and take part in the deliberations.

In content the report itself is not unlike the many other reports prepared by research bureaus subsequent to local surveys. Each important administrative unit is analyzed with a description of its organization, powers, methods of procedure, characteristics, accomplishments and defects. The style, unfortunately, is in a hard, impersonal, unimaginative form, but after all this may be best for a particular purpose. The chapters on health, police and fire, parks and playgrounds and personnel seem exceptionally well constructed from the standpoint of good bureau reporting, illustration, and graphic and tabular presentation. In some of the chapters the critical and constructive suggestions might have been isolated to better advantage. For instance, in concluding the subject of finance and accounting, there are general recommendations, but many of the specific suggestions are so scattered throughout the chapter as to be almost hidden from view. Only the insistent researcher will see them.

While the report for its special purpose was undoubtedly a thorough success it is to be regretted that some one in assembling it in printed and bound form for public inspection has not touched it with his own personality and provided the more mellow and socially interesting background which was so readily available. If the report could have been tinged with some shadings a painting might have been created of more than ordinary interest instead of a clear cut photograph without color. But in the original conception it was not intended to be ornamental or for the general reader. It was prepared professionally and pointed at a single group of township officials. That the aim was straight and effective is evidenced by the appraisal of "excellent" by the township's president, who also added that many of the suggestions had been adopted and that all were receiving thoughtful attention. One of the major recommendations advocated a township manager.

Morris B. Lambie.

University of Minnesota.

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Manual of Information on City Planning and Zoning. By Theodora Kimball, Librarian, Landscape School of Architecture, Harvard University. Published by the Harvard University Press, 1923.

With the rapidly growing interest throughout the country in the subjects of city planning and zoning, there are naturally a great many questions arising which we find hard to answer, and now appears this new work by Miss Theodora Kimball, whom every student of city planning knows as the leading city-planning bibliographer of the world.

The book starts with a most useful statement of what city planning is all about, why it must be done comprehensively, how to get started, and how to pay for the plans.

The statement answers just the questions that the new city-planning commission needs to have answered.

Then follows an excellent one-foot shelf of ten varied reference books on city planning. This is followed by another longer list of twenty-five reference books, which successfully covers the whole gamut of the phases and points of view in city planning. There is also an excellent list of typical American city-planning reports, while the bulk of the book is occupied by a detailed and remarkably complete bibliography of all books, pamphlets and many magazine articles that have to do with one phase or another of the subject.

There are also useful informative statements about the various national and state organizations that have to do with city planning, followed by a list of magazines (American and foreign) that are dealing currently with planning.

There is also an excellent statement about the status of city planning in about thirty foreign countries. The book also goes into the question of conducting publicity campaigns and describes various effective methods of reaching the public; and among other things, gives a list of city-planning lantern slides and films available for use.

The report also gives a statement about the various university and school courses of instruction in city planning.

Lastly, and, to many, the most important matter of all, there appears a list of municipal appropriations in a large number of American cities during each of the last four years, for the preparing of city plans or zoning ordinances, or both.

It is exactly the sort of reference book that everyone interested in city planning has been wanting for a long time.

George B. Ford.

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Children Astray. By Saul Drucker and Maurice B. Hexter. (Introduction by Dr. Richard C. Cabot.) Cambridge: Harvard University Press, 1923.

Here are children, twenty-four of them, astray in mean city streets, all with the most deplorable homes back of them,—weaklings, pilferers, wanderers, truants, intractables, precocious, characterially defective, and sex problems. Students of philanthropy will find each case described with scientific exactitude and detail under four main headings: the Problem, the Analysis, the Treatment, and the Result,—the point of view throughout this portion of the work being frankly sociological with incidental reference to psychological diagnoses and prognoses. Unlike most scientific treatises, however, the general reader will find "Children Astray" a work of the most absorbing interest. For following the case record the story of each child is told, simply and admirably, sparing nothing of his original filth, moral and physical, but also revealing the right impulses discoverable beneath. In Dr. Cabot's words, "A kindly and fatherly feeling towards the children is everywhere evident. Their failings are never harshly judged. Their pranks and even their misdeeds excite unconcealed amusement or sympathy in those who record them. Thus the reader sees through the child's own eyes because the writers have done so. I never heard of another superintendent who consented to go and be looked over by a gutter snipe who wanted to inspect him before deciding whether he would go to the home or not. 'Was yer a bad boy too?' he inquires as the humble superintendent stands before him, hat in hand, waiting to be judged. Admirable humility! And it won."

One must marvel not only at the kindliness but also at the insight and technique, the sheer resourcefulness, with which these children are cleansed and lifted up to realize the full measure of their potentialities. It is a new version of the old story of prince or princess enchanted by some foul necromancer, set free at last not by white magic but by modern science and warm human love. The work of Messrs. Drucker and Hexter is of the most direct practical value to child-welfare workers. It should prove of enthralling interest to all lovers of children, including mothers and fathers of "good" children, who, by the way, in the course of their parental experience must sometimes have recognized in their own angelic offspring certain of the traits exhibited by these "gutter snipes." As a teacher of municipal government the reviewer has found the book extremely helpful in revealing to his students the depths and the heights, the worst and the best that contemporary city life affords. It gives point to Professor Munro's observation that "the modern metropolis . . . is neither an Athens nor a Gomorrah; it is both rolled into one."

Robert C. Brooks.

Swarthmore College.

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Toronto's Single Tax Referendum. Report of the Committee on Taxation of the City of Toronto *re* Single Tax 1923.

On January 1, 1924, the voters of Toronto rejected a proposal to apply the single tax in the city tax system. The vote was 37,000 to 6,000 which shows the Canadians are winter sports. Under the proposal submitted, the city would have gone over to a tax on land alone gradually in installments at the rate of one tenth a year, along the lines of the Pittsburgh scheme.

The report of a special official municipal commission which studied the single tax proposal has just appeared in print. It was born in the heat of the campaign, but even so contains material which will be of service to those who wish to have at hand more up-to-date figures on the financial condition of the western Canadian cities which have experimented with land taxes, building booms, land speculation, unnecessarily extended improvements and the other concomitants of frontier frenzy.

The report is made up, first of the majority report in opposition to the single tax. This gives in detail the tax experience, or part of it, of a dozen Canadian cities and of Pittsburgh. This material is very uneven and gives the impression of many figures but no research. It is followed by computations of future tax burdens and rates under the proposal and by the marshalling of various opposition arguments. The second feature of the report is a minority report from the labor member of the committee. This is something of an oration, but contains much sound sense. It approaches the question from the standpoint of the worker, and devotes considerable attention to the intriguing social and economic claims of the single tax. The specific conclusions are in accord with the majority report.

The third part of the document is made up of the inevitable minority report of the single tax member of the committee. As usual, this is better done and more taking from a literary standpoint than the majority brief, and as usual it passes lightly over the essential difficulties.

Then follows appendix "A," entitled, rather honestly under the circumstances, "Remarks, in Part, of Some of Those Opposed to Single Tax." In this will be found quotations from lawyers, tax officials, excerpts from anti-single tax reports and from Professors Seligman, Adams and Plehn. There is no appendix "B."

Taken as a whole, this report is a good high school debate manual for the antis. It is not convincing as a piece of research.

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REVIEW OF DETROIT RAPID TRANSIT COMMISSION'S REPORT.

Will the landowner along the right-of-way help out the city straphanger? Recent developments suggest that the former may eventually solve the financial problem besetting rapid transit in some of the larger cities.

Increasingly, during the past few years, the principle has gained headway that by specially taxing the great enhancements in land values created by new electric traction lines—particularly elevated and subway lines—local communities can successfully finance their construction of these utilities.

New public works, such as sewers, fire hydrants and streets, have long been customarily paid for by assessing the enhancement in property values. More recently parks have been similarly financed and also drainage projects. A subway or an elevated road is no less a public work. It can be paid for in the same way, and thus the fares paid by the riding public will be needed, not to defray its capital cost, but only the cost of its operation.

This idea, incorporated in an unworkable enabling statute in New York State about thirty years ago, but never applied in New York City, received a new impetus in 1920 through the recommendation of the Federal Electric Railways Commission in its report to the President. Said the Commission: "The establishment of that principle (special assessment of the landowner) by law, whether by changes in city ordinances, state statutes, or state constitutions, should, in our opinion, not be delayed. This thought is especially recommended to the attention of a number of communities which are now facing the necessity for extensions or rapid transit improvements."

Since this recommendation was made, the idea has been introduced or has been strongly agitated in several communities in connection with specific instances where the completed construction, to be financed through special assessments, was intended to be used by a privately operated company.

But it would be natural that the idea should have its first comprehensive adoption in connection with municipal street railway operation, —natural, because in such a case there can be no danger lest, through defective public regulation of the private operating company, the public might fail to get the full benefit of the economy in the initial capital cost. In other words, where the city actually operates its own traction lines, there is nothing to obscure the character of the new subway as a public improvement. It is for this reason that the recent proposal of the Detroit Rapid Transit Commission is apt to have particular weight. Its report of November 27, 1923, to the mayor proposes the construction of a complete tunnelway rapid transit system for the entire city, the capital cost of which is to be borne, one-fourth by the city at large, and three-fourths by direct assessment. Such assessment would be applied in cents per square foot upon

RATES PER SQUARE FOOT CONVERTED INTO AMOUNTS PER FRONT FOOT

Assumed Average Lot 120 Feet Deep

Zone	Approximate Zone Distances in Feet	Rate in Cents	Front Foot Rates in Dollars	
			1 Year	Total for 7 Years
AA	250	7	8.40	58.80
A	500	5	6.00	42.00
B	1,150	3½	4.20	29.40
C	1,800	2¼	2.70	18.90
D	2,450	1½	1.80	12.60
E	2,640	1	1.20	8.40

land lying within one-half mile of the new lines at rates varying according to proximity to stations. In order to carry out the scheme, the commission urges the immediate enactment of a state enabling law.

According to the cost estimates of the commission, the so-called "proximity assessment," varying from about seven cents up to forty-nine cents a square foot, would be payable in installments over a period of seven years.

The table on page 237 is given by the commission of the effect of the proposed assessment on a lot of a given size in different assessment zones.

Since this method of financing rapid transit construction through "proximity assessments" can be made practicable for large cities where traction lines are privately operated, the outcome in Detroit should be watched with universal interest.

LOUIS B. WEHLE.

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AMERICAN FORMS OF MUNICIPAL GOVERNMENT. Compiled by the Chamber of Commerce of the United States. Washington, D. C., 1923. Pp. 40.

Within the scope of forty pages, twenty-five of which are composed of appendices, the civic development department of the United States Chamber of Commerce has attempted to set forth the main facts pertaining to American municipal government. A brief outline of city government from colonial times to the present day is followed by an analysis of the various forms of municipal government that have developed in this country. A few of the more important administrative problems, such as financial control and public employment, are touched upon. Though the work is limited to a few broad generalizations, it should prove of some value as an introduction to a more extensive study of how our cities are governed. With this thought in mind, the compiler has added a list of a few of the many agencies from which information may be obtained, together with a bibliography of some forty books and magazines. The bibliography has evidently been chosen with some care, though it omits a number of the most important works in the field. An interesting feature of the report is a list of the cities now operating under the commission and city manager plans, supplemented by a record of those municipalities which have abandoned either form of government.

AUSTIN F. MACDONALD.

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THE MUNICIPAL BUDGET. Publication No. 1 of the League of Minnesota Municipalities. Printed November, 1923. Bulletin of 24 pages.

This bulletin is the first of series of pamphlets on the general subject of municipal finance to be published by the League of Minnesota Municipalities under the direction of Morris B. Lambie, executive secretary of the league. It is not an argument for the budget system in local governments, since such argument is no longer deemed necessary. The pamphlet states briefly the contents of a municipal budget and the method of procedure in its preparation. Budget classifications, set-up of the budget, appropriation ordinance, procedure and budget control are among the topics treated. A budget or financial calendar is presented. The budget forms and procedure are, of course, adapted to the municipalities of the state of Minnesota. The bulletin, however, contains many valuable suggestions of a general nature applicable to similar situations in other states. It is well worth reading by all those who are interested in better budget control in city governments.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY W. A. BASSETT

Recommended Treatment of the Sewage of North Side, Chicago.—Two noteworthy features of the method of treating the sewage of the North Side district of Chicago recommended by the board of engineers which studied the project are, first, the attention given to the problem of controlling local nuisance, and second, the abandonment of any idea of securing financial return from the manufacture of commercial fertilizer from activated sludge until better methods of dewatering such sludge are devised. The area to be served by the proposed treatment works has a present population of about 600,000, which it is estimated will reach approximately one and one-half million by 1960. The engineers who made the report were H. P. Eddy, G. W. Fuller and T. Chalkley Hatton. While obviously the conclusions arrived at after a study of the situation and the recommendations made apply only to the local problem, and one which is that of a large city, yet the analysis of the respective methods studied and the reasons given for the stand taken in the matter are of unusual interest to other communities facing the necessity of providing a comprehensive method of sewage treatment.

The study of the Chicago problem involved a detailed consideration of three projects, namely: Imhoff tank with trickling filter works; activated sludge works with sludge dewatering and drying equipment; and activated sludge works with sludge lagoons.

The estimated construction and operating costs together with the costs per million gallons treated by the various projects are shown in the accompanying tabulation.

The following comment with respect to the merits of the various projects and the reasons given for selecting the type of treatment recommended appear in the engineers' report:

Each project is capable of producing the required degree of purification. In each case there will be produced a substantial quantity of sludge containing fertilizing ingredients, principally nitrogenous organic matter.

In the case of Project 1, the quantity of fertilizing ingredients contained in the sludge will be so small that its profitable utilization as a commercial fertilizer is not promising, although there might be some local demand for it in the condition in which it is removed from the drying beds.

The sludge from the activated sludge process contains more nitrogenous organic matter, and is in better physical condition for use as a commercial fertilizer, when properly prepared, than that from Imhoff tank-trickling filter works.

As activated sludge has not been placed upon the market as a commercial fertilizer, it is not possible at present to predict what will be the demand for it, or what price it may command.

The dewatering of activated sludge, which has been under investigation for several years, has proved to be a rather difficult process. While it has been demonstrated that this sludge can be dewatered, it is probable that improved methods will be discovered within a moderate length of time which will materially reduce the cost below that now indicated.

It is difficult to construct and operate such large Imhoff tank-trickling filter works so as at all times entirely to prevent the presence of the odor of sewage in its immediate vicinity. Such orders will be more noticeable about a very large work than about small ones. While it is believed that ample provision is made in Project 1 for the

Project	Cost of Construction	Total Annual Cost	Cost per Million Gallons Treated
1. Imhoff Tank-Trickling Filter Works.........	$16,266,000	$1,766,000	$27.84
2. Activated Sludge Works with Sludge Dewatering and Drying Equipment...............	14,503,000	2,210,000	34.60
3. Activated Sludge Works with Sludge Lagoons	13,203,000	1,751,000	27.42

isolation of the works, it is recognized that there may be a noticeable odor immediately adjacent to them, and that such odor will be observed by persons using the highways in the immediate vicinity of the works.

Although the development of the little moth fly has proved objectionable in the immediate vicinity of some trickling filters, it is believed that the development of such flies to any substantial extent can be prevented.

The disposal of activated sludge by lagooning in a suitable locality as proposed in Project 3 does not appear to involve any danger of objectionable odors, and is much less expensive than its disposal by any other means, unless substantial return can be obtained for it as a fertilizer.

Because of the possibility of objectionable conditions in the immediate vicinity of Imhoff tank-trickling filter works, and because an equal degree of purification can be secured at substantially the same cost by another process, we conclude that Imhoff tank-trickling filter works offer no advantage for the treatment of the sewage of the north side area.

In view of the uncertainty of securing a market for the dried sludge, and of the price at which it could be sold, if there should be a market for it, and in view of the probability that improved methods of dewatering the sludge will be found, we conclude that it is not wise for the sanitary district to undertake to convert the activated sludge into commercial fertilizer at the present time.

In view of the fact that works comprising Project 3 can produce an effluent equal in quality to either of the others; that such works can be built and operated for considerably less cost than those of Project 2; and that the sludge can be finally disposed of in an economical and unobjectionable manner, we recommend the installation of the activated sludge process with disposal of liquid sludge upon waste land, as herein described under Project 3, as the best system for the treatment of the sewage from the north side area.

The installation of Project 3 will place the sanitary district in a position to take advantage of any improvements which may be made in the process of dewatering and drying sludge, so that if and when it shall be proved that the sludge can be sold for an amount equal to or greater than the cost of dewatering, drying and marketing the fertilizer, the necessary equipment for so doing may be provided.

In closing, the opinion is reiterated that the activated sludge process recommended for the north side area is readily capable of producing an effluent entirely suitable for discharge into the north shore channel and will conform to the requirements of the act of 1921 of the legislature of the state of Illinois requiring the treatment of sewage by the sanitary district of Chicago.

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Charging Suburban Communities for Fire Service.—The policy of charging suburban communities in the vicinity of Toledo, Ohio, for service furnished in fighting fires, an amount commensurate with the cost of this service is receiving serious consideration by the government of that city. A limited inquiry conducted by the Toledo Commission of Publicity and Efficiency for the purpose of ascertaining the practice followed by other communities in this matter disclosed the fact that out of twenty cities from which information was sought eight require payment for fire runs outside the city limits and four others contemplate similar action. The policy followed by those cities operating under such an arrangement is as follows: In Ohio, the city of Cleveland makes a charge of $250 per run, while Cincinnati charges $75 per hour per piece of apparatus furnished. Fire protection service is supplied by the city of Columbus on the basis of annual contracts made with villages and townships. The charge made is $1 per $1,000 of the duplicate valuation of the corporation receiving protection. Milwaukee, Wis., charges $150 per company for the first hour of service and $100 per hour thereafter. That city also requires the township or village desiring fire protection to keep at all times $300 on deposit in the Milwaukee city treasury. Baltimore charges $25 per hour per company supplying service, and Detroit an equal amount on the hourly basis alone. The city of Buffalo makes a minimum charge of $100 for each call, while Minneapolis charges $30 per hour per piece of apparatus supplied. Complete data are not available as to the extent of such service supplied by the above cities or the estimated cost and its relation to revenues from charges made. The considerable variation in the amount charged the communities served would indicate in general the charge made was not predicated on the actual cost of supplying the service furnished. It is interesting to note however that the city of Milwaukee during 1922, according to the report of the Toledo commission netted $14,875 from fifty-eight runs made by the city fire department outside the city limits.

A policy based on the principle of one community making a charge to adjoining ones for service furnished in the matter of fire fighting constitutes a somewhat radical departure from traditional practice followed. At the same time there are sound arguments in support of a policy of this character. Of late years both the cost of fire apparatus and that of maintaining an efficient fire department has increased materially. The adoption of motor equipment has, of course, enabled furnishing much more prompt service than was possible heretofore, and increased the range over which the equipment could be used with advantage. This of itself has resulted in outlying communities making demands on cities for fire protection service. Residents of such communities outside the city limits do not pay taxes for the support of a city fire department. Moreover, there is always a considerable wear and tear on equipment reporting to fire calls which is an element of the expense. These points, among others, deserve attention.

It is of interest to note certain of the factors that have resulted in making the matter of fire service, furnished to local communities, a serious issue. Conditions in small communities have changed radically in recent years with respect to the need for fire protection service. The increased use of the automobile and other motor vehicles accompanied as it has been by the storage of the latter together with gasoline, frequently in buildings unsuitable for such purposes, has created fire hazards that formerly did not exist. Also the extensive use of electricity in the household has introduced another class of hazards, demanding additional fire protection. During the past few years there has been a marked development for residential purposes of land outside of the city limits. This applies particularly to the larger cities and has resulted in the rapid change of semi-rural communities to those essentially urban in character with all the needs of the latter and rarely the means to supply these needs. The readjustment of local governments to meet changed conditions such as these is always slow and ordinarily does not keep pace with community growth, particularly in the matter of furnishing such services as fire protection. As a natural consequence many small communities for financial considerations alone would be forced to get along for a time at least with inadequate protection of this character unless able to get help from the larger ones in time of need. Obviously protection against fire is a common interest and there should be prompt response to meet the need for providing such protection when it arises. At the same time every community and by this is meant the local government is obligated to furnish its citizens with adequate protection against fire hazards. If, in order to accomplish this and at the same time avoid excessive expense for acquiring apparatus and maintaining a force of paid men to meet all requirements in this matter, it is possible to obtain help from adjacent communities when needed, such an arrangement is eminently desirable. At the same time service of this character ordinarily should be paid for by the community served and the charge made should be on some mutually equitable basis. Otherwise there will always be a tendency for the less progressive community to exploit the more progressive one. Too much reliance should not be placed on outside help in these matters and it is believed that every community should be required to meet certain minimum requirements in respect to providing fire protection facilities. What these should be will depend on local conditions. The entire matter of fire service to suburban communities and the policy that should be followed in this matter deserves the most careful consideration of city and town officials.

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Contract vs. Day Labor for Handling Public Work Construction.—An interesting discussion by three prominent engineers of the relative advantages and disadvantages of handling municipal public work by contract or day labor appeared in the *Engineering News-Record* of December 6, 1923. The most ardent proponent of the day labor or force account system was Mr. L. G. Holleran, deputy chief engineer, Bronx Parkway Commission of New York State. Mr. Holleran points out that important public works have been successfully constructed in this way and cites as examples the Panama Canal, many of the U. S. Reclamation Service projects, the flood protection works of the Miami (Ohio) Conservancy District and the Bronx Parkway. The successful prosecution of these various construction enterprises by force account is an established fact. However, there is a considerable difference of opinion on the part of individuals competent to pass judgment on the matter with respect to the cost of executing such projects by contract or by force account. Also there is little if any analogy between the projects noted and the bulk of the public work most communities are called upon to perform. In presenting the advantages and disadvantages of the force account system Mr. Holleran did not advance any particularly new thoughts, but he did enunciate five requirements for the successful accomplishment of public work by force account which merit careful consideration. These requirements are:

(1) Assurance that the organization will be entirely unhampered by political interference.

(2) A municipal administration in sympathy with the method and ready to support it against attempts at political influence and against unjust criticism.

(3) Willingness to pay salaries commensurate with the ability required for successful operation.

(4) A construction program of such magnitude and planned ahead for such a time as to allow a reasonably large and permanent organization to be built up and maintained.

(5) Absence of restrictive laws and regulations, including civil service regulations, which would hamper the conduct of the work by this method.

It is believed that no one familiar with the problem of administering public work construction will dissent from the soundness of the doctrine epitomized above. However, it is of interest to note the comment of Mr. Paul G. Brown, contractor and engineer, New York City, who also contributed to the discussion of the matters under consideration, with respect to the practicability of securing compliance with the above requirements. Mr. Brown comments in part as follows:

(1) The minor politician only stays in public life for such a period as he can please his constituents—and that is only as long as he can get jobs for the lame, the halt and the blind. The pressure for jobs is always too great to withstand.

(2) The administration might be able to support itself against unjust criticism, but there will always be enough criticism to condemn such a method.

(3) The proper compensation for a qualified administrator to take charge of even a modest construction project is in excess of that usually paid to any municipal or state official, so that the chance of getting properly compensated and qualified leaders is very small.

(4) Readily possible.

(5) Most of our states and cities have civil service and other laws now enacted that would prevent the proper selection of men; as those best qualified could or would never pass examinations. These laws would also protect incompetents. The purchase of materials is so restricted by law as to be a great handicap.

Four of the five conditions assumed as necessary to successful conduct of force account work being found absent, further discussion would be fruitless.

A further viewpoint on this problem was contributed by Mr. Charles H. Paul, chief engineer, Miami Conservancy District, Dayton, Ohio. Recognizing, as he does, that while force account methods are of unquestioned value in handling public construction work under certain conditions, these methods do not constitute a universal panacea in solving the problem, Mr. Paul's views as abstracted below are of particular interest and value.

Ordinarily force account methods cannot well be tried out on a small scale, as has been said, but in some cases that has been done, and with marked success. The city of Dayton, Ohio, is now resurfacing with asphalt a number of streets by the force account method. As to rate of progress and character of work, the plan is highly successful. Very little additional equipment was needed over and above what was already required for street maintenance. The work is well organized, and the job is going ahead rapidly, and with very little inconvenience to the traveling public. It is understood that cost figures are considerably lower than have been obtained from recent bidding.

All of which goes to show that each job should be studied by itself, and whether or not it should be handled by force account depends largely upon the conditions surrounding that particular job.

Even on a force account job there are often many small incidental jobs which are better handled by contract, just as on a contract job parts of the work may be sublet to advantage. An organization built up to handle big work is not usually fixed to handle small isolated jobs economically. A small contractor with an outfit under his personal control can often take care of such jobs much better and at lower cost, because of close personal supervision and low overhead. Also, when a relatively small job requires special equipment or special methods, it is often possible to find a contractor fixed to handle it more satisfactorily than the main organization can. While the work of the Miami Conservancy District was a force account job, still there were many parts of it handled in this way by small contractors, with most satisfactory results. To overcome some of the disadvantages of straight unit price contracts, a cost-plus-variable-fee contract was worked out, which is virtually a compromise between force account and ordinary contract methods, combining some of the best features of both.

We know that force account methods, on a large scale, can be used to advantage and with economy, when conditions are favorable or suitable. Often there are conditions which are not suitable, as has been outlined in the original paper and in this discussion. Every job should be studied carefully before adopting force account methods to see that conditions warrant that arrangement. Because it has been conspicuously successful in some cases is no reason why it is always desirable. Generally speaking, routine municipal work, in the opinion of the writer, does not offer as attractive a field as do special jobs of greater public interest.

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Private Inspection of Reinforced Concrete Practice.—A novel method of improving the practice in reinforced concrete construction has recently been undertaken by the dealers of reinforcing steel in one of our large cities, according to an editorial comment appearing in the *Engineering Record* of September 27, 1923. The idea back of the action taken is that every poorly-built structure is a detriment to their business and every well-built one an advertisement. As a means towards accomplishing the purpose in mind these dealers have put into the field a number of traveling inspectors who go from job to job and check up the steel used against the amount called for on the drawings. The editor comments as follows on this plan:

> Some of the contractors have resented this as an unwarranted intrusion into their business, but the steel people have been backed up by the owners and engineers and have proved to their own satisfaction that the scheme pays as a preventative against skimpy construction. The idea might well be adopted by the cement companies. It is too true that the rules for good concrete making are not observed by many who should realize their necessity. This includes engineers as well as contractors. An outside agent might well observe infractions which when reported and emphasized would be remedied, though in the routine of construction and inspection they would be passed over. Every poorly-built concrete structure is money out of the pocket of the cement industry. That industry is spending great sums to spread the knowledge of how to make good concrete. It might well spend a little more in the wider application of the experiment of "butting in" on specific jobs with a view to specific improvement in practice.

The purpose of this arrangement is a commendable one. The work being done should be of value, provided it supplements rather than attempts to furnish service in the matter of regulating private building construction which is the function and responsibility of the local government to perform. If there is faulty design and construction of buildings in a community the way to meet this situation is to provide for the regulation of this work by competent public officials, and not to depend on any action by dealers of construction materials or others who are without authority to enforce compliance with recognized standards.

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Reduction in Permissible Truck Loading in California.—A substantial reduction in the maximum load permitted to be carried by motor vehicles operating on improved state or county roads in California is a feature of recent motor vehicle regulation legislation in that state. Under the new law the limit of loading has been reduced from 30,000 pounds to 22,000 pounds although 2,000 pounds in excess of the limit prescribed is permitted until December 31, 1926, for vehicles registered prior to August 31, 1923. The maximum permissible weight per inch width of tire channel base is fixed at 700 pounds and the total gross weight for six- or eight-wheeled vehicles is limited to 34,000 pounds. The use of but one trailer is permitteed whether loaded or unloaded. Body widths must not exceed 96 inches over all and the maximum speed permitted for given gross weights are as follows:

Gross Weight Pounds	*Speed* Miles per Hour
9,000–12,000	25
12,000–22,000	15
Above 22,000	10

Cities and counties are permitted by ordinance to increase the permissible weights and also the body widths, but may not reduce these except on unimproved roads, bridges, or for an emergency. This legislation is important in that it indicates an awakening appreciation of the necessity for safeguarding road construction against destruction by overloading.

Permitting cities and counties to increase the permissible loading appears to be a bit illogical if for other than a very restricted range of operation. A limit of twelve tons for operation over suitably paved city streets would be difficult to justify, but permitting any substantially greater loading to operate over most county thoroughfares would tend to nullify the purposes of the state law.

The real problem of traffic regulation is how to regulate loading so as to prevent the destruction of the road with a limited loading carrying capacity while not restricting the economical use of the road designed to carry greater loading.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY ARCH MANDEL

A conference of taxpayers' associations, including representatives from Arizona, Nevada, New Mexico and Utah, as well as of persons from other states interested in administration and taxation, was held during the past summer. A Western Taxpayers' Association was established, of which Mr. Rudolph Kuchler, of Phoenix, Arizona, is president. A. C. Rees, of Salt Lake City, Utah, is secretary. It is hoped to bring about the organization of taxpayers' associations in all of the Rocky Mountain and Pacific states.

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Mr. C. V. Berry of the Detroit Bureau of Governmental Research, has resigned to become manager of a manufacturing company in Kalamazoo, Michigan.

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For greater convenience the Ohio Institute for Public Efficiency has changed its name to "The Ohio Institute." The changed named indicates no difference in objects or policies.

*

A recent report by the Ohio Institute to the Ohio State Teachers' Association relates to the financing of public education in Ohio. The report contains much statistical material indicating the sources, amounts and distribution of the income of public schools in the state.

*

In order to promote wider support for securing a new state institution for the feeble-minded, the Ohio Institute has organized a state-wide mental hygiene committee. Representative citizens in most of the larger communities of the state are already enrolled and beginning active work.

*

At a recent election at Kansas City, Missouri, a charter commission, pledged to write a city-manager charter, was elected. It has been reported that the success of the election is due to a large measure to the efforts of the Public Service Institute, Walter Matscheck, director.

*

Harris S. Keeler, director of the Chicago Bureau of Public Efficiency, is a member of a commission of twelve, appointed by the Chicago Board of Education to study the problem of school housing, including various types of school organization and other matters bearing upon the formulation of a comprehensive school building program. Since Chicago is prepared to spend approximately $16,000,000 a year for school buildings until the school problem is satisfactorily solved, the work of this commission is of unusual importance. Various school systems will be visited, with particular reference to junior high schools and the platoon plan.

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Those interested can secure from **H. G. McGee,** director of the Akron Bureau of Municipal Research, 1027 Second National Building, Akron, Ohio, a reprint of his article on "Municipal Finance and Improvement Policies," which appeared in the February 7th number of *Engineering News-Record;* also, a copy of his article on "Economics of Highway Improvements."

*

Any bureau interested in a county charter should secure a copy of the proposed charter for Nassau county, New York, from the New York State Association, 305 Broadway, New York City, Robert Moses, secretary.

*

At the meeting of the American Political Science Association, held at Columbus during the last week of December, it was voted to invite the National Municipal League, the City Managers' Association, the National Assembly of Civil Service Commissioners, and the Governmental Research Conference to appoint two representatives, each to confer with similarly appointed representatives of the Political Science Association, with a view to co-operation in the work of the International Congress on Administration.

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Professor Leonard D. White of the University of Chicago, who attended the congress held in Brussels last October, is taking a leading part in the work of this joint committee, whose functions, according to Professor White, will be "to co-operate in the preparation of an American bibliography of works in administration and to act in general as an American center; also, to consider the agenda of the next congress, which will meet in Paris in the spring of 1926, and to form an American delegation."

"The International Congress of Public Administration is an important semiofficial meeting of the men in the highest ranks of the leading governments of the world and of students of administration connected with universities and other institutions. The work of each congress is carried on chiefly in round table conferences devoted to municipal and central administration, personnel problems, and methods of documentation."

The Cleveland Bureau of Municipal Research held its annual meeting on March 17, which was attended by more than a hundred people. L. E. Carter, the director, presented his report on the year's work, the most interesting part of which dealt with finance administration in the city board of education. It was pointed out that some of the recommendations in this respect had already been carried out. The board of education had appointed a central fiscal officer, who would have charge of budget making, accounting, and general financial control. Mr. Hopkins, city manager of Cleveland, and Luther Gulick of the New York Bureau of Municipal Research spoke at this meeting.

*

The State Survey Commission of Nevada is undertaking a complete study of the state government with a view to making plans for administrative reorganization, the use of business methods in the administration, and perhaps the adoption of a single-house legislature. This commission has secured A. E. Buck of the New York Bureau of Municipal Research to assist it in the work. Mr. Buck will be in Reno during April advising with the commission on its program of work.

AMERICAN CIVIC ASSOCIATION NOTES

EDITED BY HARLEAN JAMES, SECRETARY

Twentieth Anniversary of the American Civic Association and Second Annual Conference on the Federal City.—The American Civic Association was organized in June of 1904 at St. Louis during the exposition. It has seen twenty years of service on the advance line of civic improvement. In order to accommodate the members and guests who will gather in Washington for the twentieth anniversary a liberty has been taken with the calendar and the conference has been called for cherry-blossom time. On Wednesday, April 9, an anniversary luncheon will be given to celebrate past achievements and outline new ones.

Among former executive board members who, it is hoped, may participate in the conference are: Mr. George A. Parker of Hartford, Conn.; Mr. Frederick S. Lamb, Mr. Graham R. Taylor, Mr. Frank Bray Chapin and Miss Margaret Wilson of New York; Mr. Warren Manning of Cambridge, Mass.; Mr. Joseph Lee and Mr. Charles Zeublin of Boston; Mrs. A. E. McCrae of Green Bay, Wis.; Mr. Albert K. Smiley of Mohonk Lake, N. Y.; Mr. George Burnham, Jr., and Mrs. Imogen Oakley of Philadelphia; Hon. Vance McCormick of Harrisburg, Pa.; Mr. Theodore Marburg of Baltimore; Mr. Charles L. Hutchinson and Mr. Alfred Baker of Chicago; Mr. Samuel Mather, Mr. W. G. Mather and Miss Belle Sherwin of Cleveland; Dr. Kenyon L. Butterfield of Amherst, Mass.; Miss Zona Gale of Portage, Wis.; Mr. H. K. Bush-Brown and Miss Mabel Boardman of Washington; Mr. Morton D. Hull of Chicago, now a member of Congress; Mrs. John D. Sherman of Estes Park, Colorado; Mr. Samuel Thorpe of Minneapolis; Mrs. Philip North Moore of St. Louis; Dr. John Van Schaick and many others. The perusal of these names, together with those of the present executive board suggests that the civic cause has commended itself to many of the country's men and women of consequence.

Mr. Frederick Law Olmsted and Dr. John Nolen will be attending the National Conference on City Planning in Los Angeles which is expected to send a message to the Washington Conference; but the following board members will in all probability attend in person: President J. Horace McFarland; Clinton Rogers Woodruff, treasurer; Mr. Richard Watrous and Mrs. Eleanor Marshall Thurman, former secretaries; Mrs. Edward W. Biddle, Mr. Arnold W. Brunner and Dr. Albert Shaw, vice-presidents; Mr. Thomas Adams, Mr. Henry A. Barker, Mr. Harold S. Caparn, Mrs. Caroline Bartlett Crane, Miss H. M. Dermitt, Dr. Henry S. Drinker, Mr. William C. Gregg, Mr. Electus D. Litchfield, Mr. Irving E. Macomber and Dr. Frank A. Waugh.

Mr. William P. Bancroft of Wilmington, Del., who has attended so many American Civic Association conferences, still holds his interest and sends words of encouragement though he cannot be present. Dr. Charles W. Eliot writes that "the disabilities which accompany one's ninetieth year will prevent" him from attending the conference, but he promises to write his representative in Congress concerning the passage of the Barbour bill. Mr. Daniel Chester French also sends a special communication about the national parks.

Beyond all dispute there is a community of interest and endeavor among the workers in the American Civic Association!

Following the anniversary luncheon there will be a planning trip around Washington and a conference dinner on the Federal City, on which occasion Honorable Herbert Hoover, secretary of commerce, will talk on the economy of planning for Washington, and the chairmen of the district committees in Congress will explain how the American Civic Association committees can help secure the proper legislation. There will be a roll call of the fifty field committees on the Federal City, and Mr. Frederic A. Delano will set forth the achievements of the Washington committee and outline the next steps to be taken.

The press of the country has responded generously to the request of the association for publicity concerning the Federal City. Mr. George B. Dealey, vice-president of the American Civic Association and also vice-president of the Associated Press, and editor and general manager of the Dallas *News*, has taken great interest in this movement. About five hundred citizens, serving on some fifty committees in different parts of the United States, have pledged themselves to keep informed concerning the outstanding needs of Washington and to aid the capital in securing proper legislation to insure its orderly development.

The L'Enfant Plan, inspired and directed by Washington and Jefferson, was the first step in making Washington the unique capital which it is. The part report of the McMillan Commission, with the achievements which have followed, forms the second important step. It is believed that those who attend the Washington Conference this year will be glad to remember that they were present on the memorable occasion when the third great step will be set forth—the restudy and extension of the plan of 1792 to meet 1924 conditions.

In general the Federal City committees have two main objects:

1. To carry out the recommendations of the McMillan Commission.
2. To provide for an extended plan and a machinery to insure that all future development conforms to a wisely-laid-out plan.

Under the first heading, it is of interest to note that the bill providing for the development of gardens south of the Capitol which will remove the present Botanic Garden and permit the improvement of the Mall approach to the Capitol, has already passed the Senate and has been reported favorably from the House Committee on Public Buildings and Grounds.

The Capital Park Commission bill, which would probably exercise a greater effect upon the landscape of the District of Columbia than any proposed measure in recent years, has been favorably reported by the Senate committee on the District of Columbia and it is hoped that it will become a law during this session of Congress. Under this bill, if adequate appropriations are made, it will be possible to save proposed park areas which are threatened with devastation. No greater service could be rendered the Federal City to-day than the provision of a means whereby prompt action could prevent the destruction caused by the ax and the steam shovel. The routine of congressional legislation, devised to sift sudden and irresponsible proposals from the sound, well-considered acts which survive the obstacles set up to prove them, is hardly calculated to meet emergencies in times of rapid development of real estate.

✦

National Parks.—Hearings were held on the Barbour bill to enlarge the Sequoia National Park on February 27. There was a unanimity of opinion on the part of the organizations represented that the entire proposed area should be made into a national park; but the sudden opposition which had developed in Fresno county after Mr. Barbour came to Washington this autumn, may prevent passage of the bill at this session of Congress. The irrigationists of Fresno county are planning a wholly laudable and extensive irrigation development at Pine Flats which is some miles outside the proposed national park. It seems, however, that the farmers have been paying more for power than they think they ought, although the rates are regulated by the state, and they fear that they may some time want to develop power on the Upper Kings River within the proposed park area. In view of the expense involved, as reported by various engineers for power companies, and in view of the fact that if the Kings country is left open for power filings, *anyone can develop power* who meets the requirements of the Federal Power Commission, it seems to many that *the very best protection which the irrigationists could have* for the protection of the full flow of water into their Pine Flats reservoir *would be the establishment of a national park* which would prevent the power companies from obtaining power sites in the upper Kings forks within the park. It is, therefore, confidently hoped that the irrigationists will "see the light" and that the Barbour bill may become a law at the next session of Congress. The letters which have been sent to members of Congress and their replies would indicate that there is an *overwhelming* sentiment in favor of the establishment of a national park to preserve both the Kings and the Kern Rivers for the enjoyment of all the people of the United States.

✦

Village Planning Slides.—As a part of the work of the division of farm population and rural life of the Department of Agriculture a set of pictures has been assembled showing harmonious and spacious arrangement of the public buildings in rural villages from Maine to California. These pictures have been made into slides by the States

Relations Service and can be secured from the service in Washington, or from any state division of extension or from any county agent. It has often been a matter for remark that many country towns, where land is cheap and there are no artificial boundaries to prevent proper arrangement, should present to the passing traveler so depressing an aspect. How many of us can recall groups of unsightly buildings huddled together without plan at the crossroads of some straggling settlement! And yet when one looks at the pictures thrown on the screen of New England villages, Ohio towns and California "cities in embryo," each exhibiting the charming effect which may be secured by orderly arrangement of city hall, church, school, library and post office in connection with a "common," park or civic center, the conclusion is inescapable that every crossroads settlement needs a plan from the moment when the first building is projected. It is impossible to erect a single building without having some sort of plan in mind. Some picture must be imagined when the stakes for the corners are driven. Why not, then, at the time when it will be most useful, place the first building according to some scheme which will admit expansion and provide public buildings which the countryside may be proud to use?

Civic leaders, women's clubs, chambers of commerce, granges, rural associations and schools will profit by seeing these slides which have been prepared by the Department of Agriculture and can easily be borrowed from Uncle Sam, through any of the agencies mentioned above.

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State Park Conference.—One more reminder of the State Park Conference to be held at Gettysburg, Pa., on May 26, 27 and 28.

PUBLIC HEALTH NOTES

EDITED BY C. E. McCOMBS, M.D.

A Typhoid Carrier in New York State.—The New York State Health Department reports an interesting case of the typhoid carrier on a dairy farm who recently infected several persons in one family, three of whom died. The carrier gave a history of having had typhoid forty-six years ago. About fifteen years ago one of the children in the carrier's home had the disease; about two years ago two people who had visited the carrier's home were infected and within the year a man working on the carrier's farm was stricken. A case of typhoid also occurred in each of two neighboring families who used water from a creek polluted by the effluent from a septic tank on the carrier's farm. An epidemic of typhoid occurred six years ago in a neighboring community and it would appear that the epidemic also was traceable to the same source of infection.

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Health Education Saves Lives.—A recent report of the Metropolitan Life Insurance Company on "Lengthening Life Through Insurance Health Work" illustrates what can be done to prevent disease and death by intelligently directed, adequately financed health education. The Metropolitan Life Insurance Company has for fifteen years carried on an extensive health conservation service among its industrial policy holders. It has distributed 306,000,000 pieces of literature, provided a visiting nurse service in more than 4,000 cities and towns, co-operated with public and private health workers in many cities and states and carried on health campaigns of one kind or another wherever conditions warranted.

Considering the period 1911 to 1923 inclusive, the Metropolitan Life Insurance Company reports 52,600 fewer deaths among its industrial policy holders in 1923 than if the 1911 death rate had prevailed. Although there has been a general decline in the death rate for the entire population of the country in this period, the downward trend of the death rate among the Metropolitan's industrial policy holders has been three times greater than that in the entire registration area of the United States. It is estimated that this means a saving in Metropolitan death claims of $12,680,000 in 1923 alone.

*

Better Disease Prevention; Less Dependency.—Dr. Anna Mann Richardson of the New York Committee on Dispensary Development shows in a recent issue of the *Survey* that of 1,000 clients of family case work agencies, 94 per cent of the group were found to have one or more physical defects or disabilities. Forty per cent of the total were found to have diseases or defects which though not incapacitating at the time of examination would, if neglected, result in lowering their economic efficiency. About 54 per cent had diseases and defects temporarily or permanently affecting normal development and working capacity.

Dr. Richardson concludes that physical examinations of the clients of family care by defining the extent of existing disease and detecting defects which may later cause incapacity is the only sound basis for meeting the health and sickness problems of applicants for assistance.

The relation of disease and physical defect to the problem of dependency is generally well recognized, but in few cities has there been a satisfactory correlation of health service and relief of dependents. Dr. Richardson recommends special divisions of out-patient hospital service to provide for examination of applicants for relief, referred by social workers.

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Chiropractors and Hospital Practice.—The issue between chiropractors and the regular medical practitioners has been sharply raised in Jamestown, New York. Several chiropractors of that city demanded the right to send patients to the city hospital and treat them there. After much discussion pro and con Corporation Council Cawcoft of Jamestown handed down the following opinion: "The city hospital is the creation of the charter and general laws of the state. These laws contemplate the admission of patients for medical treatment by licensed physicians and not by somebody else." If a chiropractor cannot give medical treatment, Mr. Cawcoft declares, the hospital board is not justified in admitting him to treat patients by chiropractic methods in the city hospital. "On the other hand," he says, "if the chiropractor asserts that he does give medical treatment then the board is in the position of permitting such chiropractor to violate the law on the premises under its control, because it is a penal offense for any one but a licensed physician to give medical treatment."

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City Noises vs. Health.—A recent issue of the weekly bulletin of the Chicago Department of Health is devoted to a discussion of city noises and their effect upon health. The commissioner of health calls upon all citizens of Chicago to co-operate with him in his campaign against unnecessary noise because of its serious effect upon hearing, loss of sleep and rest, particularly among infants and the sick, and the ill consequences of nerve fatigue among citizens generally.

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The "Frozen Antitoxin Scare."—The April issue of Hygeia contains an article under this caption by Dr. William H. Park, director of the bureau of laboratories of the New York City Health Department. Readers of the REVIEW may recall recent articles in the press about the alarming symptoms which appeared among a group of forty children in a Boston suburb who had received injections of toxin-antitoxin fluid which had previously been frozen. Although none of the children suffered any permanent ill effect, health authorities as well as parents were much disturbed. Investigation of the circumstances by Dr. Park and others disclosed that the freezing of the toxin-antitoxin fluid had in some unknown way freed the toxin from the antitoxin of the particular preparation used and the bad results were attributed to the action of the free toxin. Other similarly frozen specimens produced no ill effects whatever among the children treated and Dr. Park and his associates in the investigation are unable to account for the toxic change in the preparation in question.

The rapid progress being made in diphtheria prevention through the widespread use of toxin-antitoxen immunization will probably not receive any serious check because of this unfortunate occurence, although doubtless much will be made of the incident by "conscientious objectors" to any kind of vaccine or serum preventive of disease. Dr. Park states in his article that a standard toxin-antitoxen preparation is now available in which the amount of diphtheria toxin is only one tenth of what it was in the Boston case and that experiments with this standard fluid, frozen and otherwise, have demonstrated its complete absence of toxicity. He says there is no probability of the slightest accident happening again.

The toxin-antitoxin method of immunization against dyphtheria has been in use now for four years in New York City, and during that time the deaths from diphtheria have been reduced from 1200 a year to 600 a year. Similar results are being obtained in other cities. No health officer should neglect to inform himself thoroughly on the subject and to make known the facts to his community.

*

The Prevention of Simple Goitre.—The administration of iodine to school children for the prevention of simple goitre which is highly prevalent in certain cities of the United States, particularly the Great Lakes Cities, has already been discussed in a previous issue of the REVIEW with especial reference to iodine treatment of the water supply in Rochester, New York. Authorities differ as to the best method of administering iodine to large numbers of the population, although practically all agree that it is an effective goitre prophylactic when properly used. In Switzerland where a special organic compound of iron is used and combined with chocolate to make tablets each containing five milligrams of iodine, some remarkable results have been obtained. In St. Gall, Switzerland, according to The World's Health, published by the League of Red Cross Societies, the incidence of simple goitre among school children was reduced from 87% in 1918 to 13% in 1922 by the use of iodine prophylaxis.

NOTES AND EVENTS

EDITED BY A. E. BUCK

Power Production and Our Cities.—Power production has had a tremendous influence upon the growth of many of our important cities. Our modern industrial cities are mostly near coal mines, along great rivers, or in the vicinity of water falls from which power is available for use. The much talked of Muscle Shoals power development, when completed, will directly effect the growth and the municipal problems of a score or more cities in northern Alabama and southern Tennessee.

Sometime ago a commission consisting of representatives of the seven states in the Colorado River basin, assisted by Secretary Hoover, formed a plan for the conservation and utilization of the water in the Colorado River. A seven-state treaty has been negotiated and ratified by six of the states concerned, namely, California, Nevada, Utah, Wyoming, Colorado and New Mexico. Arizona has not yet acted upon the treaty because of a provision which gives to agriculture priority over power production in the use of the Colorado River flow. Interests in Arizona feel that for Arizona the matter of power production is more important than the matter of agriculture.

While the Colorado River basin development is a gigantic proposal, an even greater proposal from the power production and industrial standpoint is that lately spoken of as the "Giant Power" development in the Atlantic coast states. The Pennsylvania legislature of 1923 made an appropriation at the recommendation of Governor Pinchot for a Giant Power survey. This survey, under the direction of Morris L. Cooke, is now in progress in the state of Pennsylvania. The neighboring states have not yet shown a willingness to co-operate should a feasible plan be proposed. In fact, Maine has endeavored to prohibit the exportation of electric power from within its borders, while Connecticut has endeavored to prohibit the importation of electric power from without its borders. It seems that many knotty problems are going to be encountered by any plan that may be proposed.

Up to the present time considerable interesting information has been brought together, and the public imagination seems to have been aroused somewhat over the proposal for power production and conservation. At least, one hears a lot of talk about "super-power," lately called "giant power," being the means of "revitalizing the whole social fabric." That is a pretty big order, but to the dreamer anything is possible. And to him we owe practically everything we have in the scientific field. "Giant power," the dreamer says, "would link the energy of the mines with that of the waterfalls, recover valuable byproducts in bituminous coal, supply current to the trunk lines of an integrated transmission and distribution system, spread electrical energy to the farms and reduce rates to the small consumer."

The *Graphic Survey* for March devoted practically the entire issue of over one hundred pages to a discussion of "Giant Power." Articles on this subject by some fifteen notable persons, including Governor Gifford Pinchot, Governor Alfred E. Smith, Morris L. Cooke and Robert W. Bruere, together with interviews of Herbert Hoover and Henry Ford appear in this issue. Giant power is seen through the mind's eye of some of these individuals as being able to bring about "social changes as sweeping as those ushered in by the industrial revolution." If this should ever be realized, the least we can say is that we would have to refashion completely the organization and methods of our city governments.

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How Nonpartisan Politics Works in Seattle.—In the *Seattle Municipal News* for February 23, 1924, Professor R. D. McKenzie, of the department of sociology of the University of Washington, sketches an interesting survey on how nonpartisan politics works in Seattle. In making this survey an attempt has been made to ascertain facts relative to all the candidates who filed for city offices since 1911; the organization that backed them, the papers that either were for or against them, and various measures that were voted on by the people. Professor McKenzie's interest centered mainly in determining what forces were behind each candidate that caused him to file and which resulted in his defeat or election. It is pointed out that during the period since 1911, 412 candidates filed, 73 of whom were lawyers, 51 real estate men, 27 engineers, 11 laborers, 11 cooks, 10 hotel keepers and so on, representing 41 states and 16 cities. The average age of all candidates was 48 and none were successful who were under 30. Of the successful candidates 90 per cent of them lived in Seattle 10 years or more and the average local resident was 22 years.

In determining what stimulus caused the candidates to file it was found that 31 per cent were public employees seeking office, and 20 per cent were or had been members of some public board or commission.

The repeater, that is the man who had run for office before, was found to have a 10 to 1 advantage over an entirely new candidate in the field. Of the 412 aspirants, 100 had run 6 times; 7, 5 times; 9, 4 times; 7, 3 times, and 40 had run twice before. It was found that the present mayor ran for 10 times before he was elected as mayor.

In determining the relation of the support or opposition of newspapers to the successful candidate, it was found that of 232 defeated candidates during the period, 187 were entirely ignored by the papers. Among the 100 successful candidates, 27 were opposed by one or more papers and 9 candidates by all papers. This seems to show that it is better to be opposed than not to be mentioned. Further investigation by Professor McKenzie was directed toward the relation of local organization endorsement to election, such organizations as the Municipal League and the Chamber of Commerce being considered.

Professor McKenzie also discovered that there were three types of voters in the city of Seattle. The voters of the hills were conservative, the voters in the valley were more radical and interested in labor questions, and the voters in the central downtown district of the city were interested in moral questions.

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Short Ballot Up Again in Massachusetts.—Again the legislature of Massachusetts is asked to vote for the submission of a constitutional amendment that would provide for the appointment of the secretary of state, the treasurer, the auditor, the attorney-general, the sheriffs, the registers of probate, the clerks of courts and district attorneys. The shorter ballot is urged in order that the voters may be able to know better those for whom they vote. With the present multiplicity of offices to be filled by election it is quite impracticable if not impossible for the voter to have any knowledge of the fitness of many of those for whom he casts his ballot. The candidates must be taken largely upon faith. This applies both in cases of state and county officials.

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More About Home Rule in New York.—The home rule enabling act has been redrafted. It seems now to be much better than at first, but it still has some serious defects according to the "State Bulletin" of March 15 from which we quote as follows:

> The home rule enabling act is a lot better than it was when first drafted. If, as now seems likely, this act is to be passed at the present session, and is not to go over until the whole problem can be studied more carefully, there is at least one important change of vital interest to Rochester and second-class cities which ought to be made immediately.
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> The bill provides under the section of definitions that a board of estimate wherever it exists shall be the upper branch of a bicameral city legislature. Rochester and all second-class cities have boards of estimate consisting of the mayor and two other elective officers, and two members appointed by the mayor. This would introduce a new type of legislative body—at least, new since Colonial times, and would have the practical result of making the mayor's veto and control absolute.
>
> A second point, and a very serious one, is the omission of any method of securing the creation of a charter commission without the consent of the city's legislative body. In Ohio and other home rule states, a petition can put on the question, "Shall a charter revision commission be elected to draft and submit a new charter?" If the people vote "Yes," a charter commission election is held, and the commission elected thereat can submit a new or amended charter to popular referendum in spite of an adverse city council.
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> As the draft of the enabling act stands now, Buffalo, for example, cannot get a new charter until it elects an administration friendly to charter revision. It is easy to imagine situations where gerrymander or obsolete districting might thus intrench a minority in power indefinitely, or where charter revision would be everlastingly resisted because it would endanger the continuance of some obscure vested cinch of the officials whose consent to charter revision is required.

⁂

Report of Efficiency Commission of Kentucky.—In advance to the general report of the Kentucky Efficiency Commission a series of eight pamphlets are being issued. These cover: (1) financial administration, (2) revenue and taxation, (3) the administrative structure and general summary, (4) public welfare agencies, (5) the educational system, (6) the general assembly, (7) the judiciary, and (8) county government. Four of these pamphlets have already appeared and the others are understood to be in press. The reports are based on investigations conducted for the commission by Griffenhagen & Associates, of Chicago.

The present governor, Honorable W. J. Fields, in his message to the 1924 legislature did not make any recommendations with reference to state reorganization nor did he mention the work of the efficiency commission. He does not seem to be favorable to the report that is being printed; and it is, therefore, the general opinion that nothing will be done with reference to its recommendations at this session of the legislature.

*

"An Inventory of Proposed City Projects" is the title of a pamphlet recently issued by the Taxpayers' League of St. Louis County, Duluth, Minn. This pamphlet is unique in that it sets forth the various projects in the way of improvements that different community clubs, civic organizations, trade associations and individuals are asking the municipal government to finance, the aggregate cost of which is nearly $40,000,000. It asks three questions: "What do we want?" "What do we need?" "What can we afford?" The various projects are outlined in detail with the approximate cost of each one and it is pointed out that the total cost is nearly 16 per cent of the total taxable wealth of the city, including money and credits, and 30 per cent of the total assessed value. A postal card is enclosed with the pamphlet asking each citizen to enumerate thereon the projects that in his judgment should be undertaken, when the work should begin, and how much should be spent for each project, then sign and mail the card to the taxpayers' league. This amounts to a "straw vote" after all the proposals have been presented in brief form to the voters, who will take time to read the pamphlet.

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Civic Opera Plan Launched in Baltimore.—Plans for civic grand opera, the performances of which are to take place in May, are nearing completion in the city of Baltimore. The opera will be under the direction of Frederick R. Huber, municipal director of music. Local singers are being selected for the principal rôles and these will be trained gratuitously by professionals. The casting committee will consist of such well known persons in the musical field as Mabel Garrison, formerly of the Metropolitan Opera Company, and Harold Randolph, director of the Peabody Conservatory of Music. The following operas have been selected for presentation: "Cavelleria Rusticana," "La Boheme" and "Pagliacci."

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The Vote on Proposed Constitutional Amendments in Missouri.—A special election was held on February 26 at which twenty-one proposed amendments to the constitution of the state of Missouri were voted upon. With reference to this vote the *St. Louis Globe Democrat* of February 28 had the following to say in its editorial column:

> It appears that many more than four fifths of the qualified voters of the state of Missouri did not vote in this election. Yet it was on the mandate of the people of the state that the Constitutional Convention was held, and it was by the people that the delegates to the convention were chosen. They were elected to represent the people in the revision of the constitution. Nearly a year was given to the task, and most of them devoted their time to it at more or less personal sacrifice. The convention cost the state about $800,000, and the expense of the election added quite a good deal more to the total. The result of all this work was laid before the people of the state on Tuesday for their approval or disapproval. And less than one fifth of the voters interested themselves sufficiently to go to the polls and say "yes" or "no."

When the ballots had been counted throughout the state it was found that only six of the proposed amendments had been approved. The other fifteen were lost. The amendments adopted were as follows:

> Amendment No. 4. Authorizing the additional issuance of bonds not to exceed $4,600,000 for paying of bonuses to soldiers and sailors of World War.
>
> Amendment No. 8. Relating to the impeachment of state officers.
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> Amendment No. 9. Regulating the exercise of the election franchise and authorizing the examination of ballots in election contests.
>
> Amendment No. 18. Relating to removal from office and prohibiting nepotism.
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> Amendment No. 19. Permitting Kansas City to issue bonds for public improvements and

to assume cost of the construction of sewers and to refund special assessments now or hereafter paid for.

Amendment No. 21. Making provisions for carrying the proposed amendments into effect.

The more important amendments from the standpoint of state organization and administrative methods were defeated. These included attempts to reform the state judiciary system, to give cities local self-government, to simplify indictments, to consolidate state offices and create a budget system, to provide more elasticity in school taxation, to obtain a senatorial redistricting, to provide for nomination of political candidates by party conventions, to enable cities to zone, to abolish the *ex officio* state board of equalization, to tighten the restrictions around the use of the initiative and referendum, and to make numerous other improvements in the skeleton of the state government.

The bonus amendment got the largest vote, a plurality of over 65,000 votes, while the proposed change in the State Department of Education, number 15, was the most heavily defeated amendment, losing by over 107,000.

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Cleveland's P. R. Council.—A most interesting thing seems to have happened in Cleveland since the new P. R. council began to exercise the legislative powers of the city government. The public, for the first time in recent years, is actually present and taking an interest in the meetings of the council. A change has been brought about in the procedure of the council, at least, to the extent that the minority now has the opportunity to question the administration in its appearances before the council. This is interesting, as well as somewhat novel in our municipal government. It certainly is the means of making live news about the city's affairs. More about this, anon.

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An interesting article, giving a brief survey of the governmental research movement in this country, appeared in the *American Review* for January-February, 1924, under the caption "The Governmental Research Movement—An Interpretation." This article was written by Fred P. Gruenberg, formerly director of the Philadelphia Bureau of Municipal Research.

"Better Homes in America" Movement.—Better Homes in America is a public service organization with national headquarters in Washington. Its immediate aim is to provide a means by which the men and women of each American community can have access to the highest standards of planning, construction, equipment and furnishing of private homes that may be within their means. Its ultimate aim is to promote a general interest in true homes—economical, convenient, attractive and wholesome—and in the best type of family life.

Better Homes in America extends its help to the citizens of every city, town, village and rural section in the country. This year it is paying particular attention to the home problems which confront families of small or moderate means. Its program is put into operation by local committees with the advice and help of national headquarters. The local committees each organize and conduct a local demonstration of an inexpensive, well-balanced, attractive home.

The movement was initiated in 1922 by Mrs. William Brown Meloney, editor of the *Delineator*. It has expanded rapidly, and its importance has become so apparent that it has been reorganized as an independent educational foundation. The new national organization is being financed by public gifts, which have already been largely assured.

The organization has the indorsement of President Coolidge, who for the second time has consented to head the advisory council. Dr. James Ford of Harvard University, formerly a member of the board of directors of the U. S. Housing Corporation, has recently been appointed executive director of Better Homes in America.

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The way some of the political leaders have been frantically seeking a refuge from congressional investigation of the Tea Pot Dome reminds us of the man who was telling his son a bedtime story about an alligator. It was creeping up behind a turtle, with its mouth wide open. Finally it was within reach, but just as its great jaws were snapping shut, the turtle made a spring, ran up a tree and escaped.

"Why father," said the boy, "how could a turtle climb a tree?"

"By gosh," replied the father, "he had to!"

NATIONAL
MUNICIPAL REVIEW

Vol. XIII, No. 5 MAY, 1924 Total No. 95

THE CLEVELAND EXPERIMENT

BY W. M. TUGMAN
Of the Cleveland Plain Dealer

It is too early to render any authoritative opinion as to the success of Cleveland's proportional representation-manager plan experiment. It will require at least a year and perhaps several years to determine whether practice accomplishes the purposes of the experiment.

Experiment, even the most friendly observers are agreed, is the proper name for the undertaking. But it is also important to realize this—that it is perhaps the most interesting and ambitious governmental and sociological experiment now under way in the United States.

There are two fundamental problems in all government, city, state or national, to-day:

1. The high cost of government—low efficiency of the tax dollar as compared with the dollar in business.
2. The margin between the theories and the actualities of representative government—a lack both of ability and responsiveness in representative bodies.

The Cleveland experiment is the only one seeking to solve both problems at one stroke. The manager plan in itself is aimed at the first problem. Proportional representation is designed primarily to solve the other.

It is because of this ambitious purpose in the experiment and the size of the community making it that it is being watched the country over more than Clevelanders realize. If Cleveland has found the answer to the two big governmental problems, others want to know it.

This is not saying that the masses throughout the United States are standing in the streets for bulletins on the Cleveland experiment. They are at best but dimly aware of it. But students of government, politicians, industrial leaders, tax reformers, social workers, the press—all the leaders for their own varied reasons are interested deeply.

THE NEW P. R. COUNCIL

The results of Cleveland's first election of the city council by proportional representation have been tabulated and analyzed for the Review by others. Briefly, the city has a council of twenty-five, in which there are fourteen Republicans, six Democrats, and four clear cut Independents, with the twenty-fifth member an independent Republican. For the first time in the history of Cleveland there are women in the city council—two of them.

The new city council also contains not only among the Independents, but among those classed as party members, a number of people who by professional training or other experience are peculiarly fitted to deal with large municipal problems, as the new council will have to deal with them in a policy determining rather than strictly perfunctory legislative capacity.

Proportional representation, therefore, may be said to have accomplished already at least a part of its purpose. It has produced a more representative and therefore, theoretically, a more responsive body. It has brought new blood into the council. It has raised the average of councilmanic ability. What remains to be seen is this:

1. Whether, these results of P. R. being granted, actual improvement of city service will result.
2. Whether the voicing of independent thought in the city council will stimulate or obstruct administrative results.

The big difference between Cleveland's new city council and all previous city councils is not in the presence of opposition to an organized majority which must in the main assume responsibility for its acts. Party has often been against party in the past. The big difference is in the introduction into the city council of a small group of people whose political habits, whose whole political philosophy, for the present at least, are different.

This is not saying that party members as a group are in any degree less interested in the objective of efficient government than the Independent bloc. It is saying that between the two groups there is a vast difference as to method and technique.

Party control of the Cleveland council has not been disrupted by proportional representation. (Conservative advocates of P. R. declare this to be only a possibility, not a guarantee of their system.) But party control of the new Cleveland council will be modified to the extent that the Independents as individuals or a bloc attract following and influence.

THE CITY MANAGER

Into this situation comes William R. Hopkins, the choice of this unique council for the city's first manager. William R. Hopkins is known to all Clevelanders as the man who built the Belt Line railroad. He is a lawyer, business man, trustee of Western Reserve University, and a native Clevelander thoroughly familiar with all Cleveland problems. He is classed nominally as a Republican, through having been in the city council and chairman of the Republican county committee in the '90's.

Mr. Hopkins presents the most conspicuous personality factor in the big Cleveland experiment. He represents the response of the council majority to the "big man" specifications set up by leading civic organizations, which appeared before the council to urge that no effort be spared to get an executive of the highest type.

In selecting the manager, the council majority insisted on restricting the search to Greater Cleveland in opposition to the desires of the Independents for a nation-wide search, but all of the Independents except Councilman Peter Witt concurred in the choice of Mr. Hopkins on the final vote.

Mr. Hopkins is being paid $25,000 a year as contrasted with the $10,000 formerly paid to mayor executives. This is not only the highest salary ever paid by the city of Cleveland, but one of the highest ever paid by any American city. Yet it is no more than Cleveland often has paid from time to time for special technical surveys, as, for instance, the $30,000 Bemis gas survey.

Mr. Hopkins is hired by the council as the chief administrative official of a $2,000,000,000 corporation handling approximately $40,000,000 worth of business annually.

LEADERSHIP IN THE COUNCIL

In the case of the city council, the new charter is designed to minimize and restrain old-style party politics. In the case of the manager, the executive, it is intended to eliminate politics altogether. The manager is supposed to be as completely absorbed by business detail as the manager of a steel works or a fabricating industry, leaving policies and politics to the board of directors.

Leadership under the new form of government is supposed to find its voice through the city council, particularly through the titular mayor—Councilman Clayton C. Townes has been named for this honor. But even the most rigid charter fundamentalists do not attempt to deny to the manager certain phases of leadership.

In the manager, as in any very important business executive, tremendous duties of leadership are inevitable because he is the council's chief professional and technical adviser, but it is supposed to differ from the public appeal and advocacy of the old-style mayor elected by the people and to be exerted largely through the council by suggestion.

This, let it be clearly understood, is the theory of the managership in relation to the new city council. Here again only time, and plenty of it will decide how far practice can sustain the theories of the charter.

When Mr. Hopkins entered the manager's office he found an accumulation of great problems to be solved. To the city council, the groups of citizens and organizations which pressed him to speak because of the great public curiosity to see and hear this $25,000-a-year man, he described these problems and outlined programs for their solution.

The city council was in a formative period, a period of adjustment to new conditions and responsibilities. Personal leadership by the manager under these circumstances was almost inevitable and, on the whole, it has been welcomed by the majority in the council. Ideas and ideals have been set up by the manager. Mr. Hopkins was criticized bitterly by charter "fundamentalists" for talking too much. They paraphrased the old adage about "crowing hens", but inevitably both manager and public in the last few weeks have had to turn to the policy determining council.

WHAT IS BEING ACCOMPLISHED

With only a few months completed, the critical summer season when big city programs actually are carried out not yet arrived, it is impossible at the present time to measure the accomplishments of the new government in terms of paving and street cleaning and car service and water supply and the hundred and one other things by which it is possible to set one administration against another and say, "This one was better."

But there are certain definite developments which are extremely encouraging:

1. Greater public interest in councilmanic activities than in many years.

Attendance at council meetings has jumped from an average of fifty in the last four years to more than 500 on the average. Standing room only has been the rule at almost every meeting. If public interest is at the foundation of good government, this is significant.

The exceptional interest is due largely to the new life in councilmanic procedure, the fundamental differences in thought and method between the new and the older elements. Debate is strenuous, sometimes personal and spectacular, but always searching even on relatively unimportant subjects.

2. The most comprehensive and aspiring legislative program in years. Some of the items are:

A 40-mile paving and repaving program.
Widening of Carnegie Avenue from E. 22nd Street to E. 55th Street.
Extension of Chester Avenue from E. 30th Street to E. 40th Street.
Cutting E. 13th Street through from Chester Avenue to St. Clair Avenue.
Cutting E. 18th Street through from Lakeside Avenue to Superior Avenue.
Widening of Euclid Avenue from Ivanhoe Road to city limits.
Immediate completion of the mall site.
Immediate grading and cleaning up of lake front below City Hall to provide recreation fields and parking grounds.
$360,000 program for rehabilitation and improvement of all parks and playgrounds.
$1,000,000 sewering program.
Organization of policewomen in separate bureau under specially trained woman reporting directly to the chief of police.
Progressive motorization of police patrols, particularly in outlying districts.
Employment of additional police to bring force to present maximum quota of 1,200 patrolmen.
Immediate rebuilding of much of signal equipment for both fire and police.
Rebuilding of E. 152nd Street bridge over New York Central in Collinwood.

These all are part of an improvement program outside of the regular operation of city departments and, when the special assessments on specially benefited property owners are considered, the total value of the undertaking is very close to $20,000,000.

This is a program in addition to the $14,000,000 allotted for the ordinary operation of departments and it does not include the extensive plans for the betterment of the non-tax supported light, heat and water departments.

Legislation looking toward the complete rehabilitation of the municipal light plant is before the council. A. B. Roberts, who was the first director of utilities under the Kohler administration, has been employed to survey the $10,000,000 investment in municipal light to determine what expansion, if any, is practicable, and how to return the whole institution to a sound financial basis.

In the water department, the new administration is taking hold where the Kohler administration left off with the $40,000,000 improvement program with the completion of the new Baldwin Reservoir, pumping station, and filter plants, with their connecting mains, the immediate task, with the planning of additional west side and east side stations and intakes the next step.

Somewhat apart from these other improvements because of the special circumstances surrounding them are the plans for replacing police headquarters and the two fire stations, including the one which houses the central fire signal equipment. These buildings all stood in the site of the proposed depot at Public Square.

Mr. Hopkins and the city property committee, headed by Councilman Walter E. Cook, have arranged terms with the Van Sweringen interests by which these three pieces of property will be turned over to the depot interests for $1,700,000—a value well in excess of ordinary real estate appraisals and figured on a replacement basis.

The completion of this deal had been delaying not only the depot project but replacement of these stations. The old police headquarters and jail, in particular, had been denounced for years as a civic disgrace. Actual construction of the city's new facilities is to be begun as soon as the money is received.

Some of the most spectacular sessions of the new council have been over matters touching on the depot project. Legislation has been passed and more is under consideration, all intended to bring about a clarification and definite settlement of all controversial issues in the city's connection with the depot project. There is motion in this respect.

Little has been accomplished so far to assist the Cleveland Railway Company in the financing difficulties which have arisen under the Tayler grant. Large programs of street railway betterment cannot be undertaken until the company is offered more leeway by some expedient. Municipal ownership of the street railway system has been suggested by some councilmen, but so far the suggestion is only an indication of a desire to get at street railway problems in a broader way.

The council has ordered the city law department to appear at Columbus before the State Public Utilities Commission to scrutinize the Ohio Bell Telephone Company's demand for installation charges after the unification of service on April 1.

To prevent a recurrence of a long-drawn-out controversy with the East Ohio Gas Company in 1928, when the present agreement runs out, Mayor Townes has proposed a survey to prepare the city to meet this contingency, which may be serious in that it may involve a change from a natural gas supply to an artificial supply or to mixed gas.

There is prospect of early and definite action on the city's proposed zoning ordinance which has lain in the committee box nearly two years. Hearing after hearing has been held during this time. Expert after expert has been heard on either side.

The council recently directed the Committee on Building Code to make a tour of large cities which have zoning laws in effect. On the basis of this field study early action is promised.

Finally, the council, through the legislative committee, is preparing to take up at once with the officials of other Ohio cities, with county and school authorities, with civic organizations interested in the huge Ohio taxation problem the discussion of plans for concerted and intelligent action in the next legislature for tax relief.

It is not alone the number of these projects before the new council, but their range and scope, the interesting and even entertaining manner in which they are being discussed, which indicate a new vitality under the new form of government.

Nor is this all. With the co-operation of the suburbs, a movement has been launched and a committee is at work to plan some form of metropolitan organization for the handling of such metropolitan problems as thoroughfare development and rapid transit. Moralization about annexation in the abstract has been dropped for concrete discussion of co-operative effort.

If the new form of government does not in the first two years accomplish all it has set out to do, it will not be for lack of daring.

It is a city government which is really thinking about big improvements, talking about them, trying to bring them about. Mr. Hopkins and members of the council, old and new, seem almost to vie in the movement.

For the first time in the history of Cleveland, an effort has been made to budget not only the operating program of the city, the routine work, but the entire year's program of permanent improvements. This long has been needed and urged by the Bureau of Municipal Research because of the very definite effect of the carrying charges on improvements which must be financed with bonds upon the future operating revenues.

The 1924 bonding program has been laid out up to the maximum, which will not interfere with operating in 1925, although 1926 in any case would require legislative tax relief.

For the first time, also, the council and the manager, sitting together, have decided to follow a pay-as-you-go policy so far as it is possible with regard to certain permanent improvements. The Chester, E. 35th, E. 18th, E. 13th and Euclid widening projects are not to be financed with bonds, but out of the 1923 operating reserve of nearly a million and a half.

These things all are the symptoms of the state of the new city government which the rest of the country as well as Cleveland is watching to see how it stands time's test.

THE MANAGER'S CABINET

This is the personnel selected by Manager Hopkins to supervise the detail of the large projects which are in the making:

Law Director—Carl F. Shuler, formerly assistant law director of the Kohler administration, former member of the state legislature and former mayor of Miamisburg, O.

Service Director—William S. Ferguson, president of the William S. Ferguson Co., engineers, architects and builders, and an authority on concrete construction.

Welfare Director—Dudley S. Blossom, who held the same post during the Davis and FitzGerald administrations.

Park Director—Frank S. Harmon, many years connected with the Weidemann Co., wholesale grocers, director of the Guardian Savings & Trust Co., and many other enterprises.

Safety Director—Edwin D. Barry, former county sheriff.

Finance Director—William J. Semple, public accountant.

Utilities Director—Howell Wright, attorney, many years executive secretary of the Cleveland Hospital Council.

Traction Commissioner—C. M. Ballou, Cleveland manager of the American Sheet & Tin Plate Co.

EMPLOYMENT POLICY

Under these heads of departments in the first few months many changes in the subordinate personnel have been made, although by no means the extensive changes which were customary under preceding administrations.

Mr. Hopkins has enunciated these policies with regard to jobs:

1. All important selections must be approved by him personally. Otherwise, department heads are entirely free to make their own selections for their own reasons.

2. All department heads are responsible for results.

3. Make good or get out to be the basis of all employment.

Under the new city charter practically all city employes, except casual laborers and the heads of main departments, are to be placed under civil service as rapidly as possible. The charter provides a ninety-day time limit once the accumulated work is in hand. Civil service looms, therefore, as a check on wholesale changes in city departments.

In the changes that have been made, the recommendations of members of the city council have had some part, although the new charter has specific provisions against "interference" by councilmen in administrative appointments. This phase of the situation has been the subject of controversy between Independents and party members.

Party members have not denied these activities. On the contrary, they have challenged the practicality of a charter interpretation which would forbid a member of the council any freedom in this respect. Mr. Hopkins also has asserted the right to receive recommendations from anybody whether in the city council or out of it, reserving at all times his own final judgment.

A peculiarly balanced situation exists. Here an appointment can be cited to prove that the "spoils" system has triumphed over the new city charter. Beside it may be found another appointment from which it can be argued not that the charter has triumphed over "spoils" habits but that the delicately adjusted policy enunciated by Mr. Hopkins is the law of the case.

It is an interesting controversy, but in view of the tremendous constructive things under way and yet to be placed under way it is interesting mainly as an inevitable phase of the period of adjustment. Hundreds would not number the job-seekers who have swarmed about City Hall as at every change in administration. Scores would number easily the changes made.

The displeasure of those who guard the letter of the new charter or of those who seek for jobs and fail, and there are some councilmen in this number, will be contributing but not deciding factors in the first years under the new charter. The accomplishment of the large improvements set up, since they touch all the people, will be much more important.

TWELVE-MONTH RECREATION

BY F. R. McNINCH

Former Mayor of Charlotte, N. C.; Director, Extension Department, Playground and Recreation Association of America

THE summer playground has in many cities been a necessary forerunner to the twelve-month recreation system. Many first appropriations for recreation purposes have been justified by that particularly obvious need—playgrounds to provide recreation for children during the months when schools were closed. But summer playgrounds, having served their educational purposes, are each year being incorporated by more and more cities into year-round systems that offer both old and young daily opportunities for wholesome enjoyment of their leisure time. Two hundred and eighty-one cities with year-round recreation sent reports to the Playground and Recreation Association of America for the most recent compilation of statistics on this subject.

ECONOMY

Partly responsible for year-round systems has been the discovery through summer play under leadership that money spent for recreation prevents a far greater expenditure in child accidents and maintenance of delinquents at reformatories, and is insurance for health and citizenship. All the economic arguments for municipally provided summer play hold good for municipally provided play at any time. Cities are realizing that if it is civic economy to provide recreation three months out of the year, it is greater civic economy to provide it all the year.

In March, 1921, in the open meeting of a campaign to establish a year-round community recreation system in Bluefield, West Virginia, Clarence Ridley, city manager, said:

> We have sixteen thousand people in Bluefield. We have sixteen policemen. This is about the average for the cities in the United States, one to every thousand population. Our city is growing rapidly. In ten years we shall probably have thirty-two thousand people. I do not propose to cut down the police force, but I am strongly of the opinion that if we will employ some year-round recreation workers and organize an adequate public recreation program—athletics, playgrounds, music, etc.—we need not increase our police force. In other words, with such a public recreation system we can maintain order in a city of thirty-two thousand people with sixteen policemen.

By supplying a comparatively inexpensive factor, leadership, year-round recreation also keeps from periods of idleness grounds and equipment in which thousands of dollars have been invested. In weather too cold for games and apparatus play, municipal recreation spaces are flooded for skating. Jersey City playgrounds take advantage of snowfall by arranging snowman contests, snow battles and other invigorating sports. Cities are utilizing for the indoor activities necessary to a year-round program such existing indoor facilities as church and club rooms, town halls and school gymnasiums and auditoriums, though they often supplement them with specially constructed municipal recreation centers.

BETTER LEADERSHIP

A higher type of recreation leadership has been put within the reach of cities adopting year-round systems. The superintendents of recreation heading modern departments of recreation are more than "activities persons"—they thoroughly know the financial, organization, social and cultural sides of public play and are able to co-ordinate the recreation activities of a city's various organizations and agencies. Few such men and women are willing to accept a position for part of the year, so a less expert grade of leadership must often be an additional handicap to the city providing for public play only three or four months as compared with the city having a twelve-month system.

INDUSTRIAL LIFE QUICKENED

Year-round public recreation has proved an asset to the business life of cities. It decreases labor turnover, one of the main causes for which is a city's failure to provide for the interesting and neighborly use of leisure time.

New industries have been attracted to cities by facilities for public recreation in all seasons, and the converse is likewise true. A mid-western city of 25,000 which had felt sure it would be selected by an eastern manufacturer as a site for his new plant, recently received a severe jolt when it was eliminated from further consideration. Asking the manufacturer to state candidly the reasons for turning down their city, local business men learned that the deciding factor in the final rejection had been the city's lack of opportunities for any recreations except such commercialized ones as moving pictures, dance halls and pool rooms.

A manufacturer already established in a coal center of 18,000 population has just shown similar foresight. He has deferred building an addition to his plant until such times as the city can provide the recreation facilities necessary to take care of additional employees.

SCOPE OF PUBLIC RECREATION EXTENDED

Public recreation has passed its one-time boundaries of playgrounds and organized athletics and entered constantly widening fields of social, cultural and creative recreations. Cities first experimenting in year-round recreation have shown the value of promoting such activities as club organizations, amateur dramatics, art and music, handicraft classes, social gatherings and gardening. The creative instinct so often baffled in the monotonous routine of factory work finds expression in these opportunities for the constructive use of leisure time.

An important activity of the year-round recreation department is that of arranging celebrations of holidays and special days which will make them true red letter days to people of all ages and will prevent the overlapping and waste of many individual programs. Among the most popular civic festivals are the municipal Christmas, with its organized caroling, dramatics and tree festivities, the municipal Fourth of July, with its historical pageants, athletic meets, welcoming of new Americans and other citizenship activities, and the municipal Hallowe'en, which has shown its efficiency in preventing property destruction.

Organized winter sports are a valuable and, for most cities, a comparatively recent addition to the municipal recreation calendar. Cities in New England and in the northern Middle West, having excellent natural facilities for ice and snow sports, are promoting them most extensively. Winter sports have particular health value in that they provide outdoor exercise at a time when people are most prone to stay indoors, and they allow a maximum of participators as compared with spectators. Colorful winter carnivals lasting a day or more are each year being staged by more and more cities. They are boosting trade, providing a climax toward which all the outdoor winter programs may work, and fostering community spirit among the people.

NEIGHBORHOOD ORGANIZATION

Neighborhood organization is the basis of some very successful year-round systems. Cities adopting it feel that the private organization of citizens in their neighborhoods has insured the fullest use of the facilities provided and has guided them in meeting the deeper recreation needs of the people.

The progress of the neighborhood work in Wheeling has been due mainly to the careful selection of the neighborhood boards of directors, advisory committees and officers. They were chosen with four ideas in mind—there must be someone accustomed to getting up entertainments, the churches must be represented, the various talents of the community must be represented and there must be proper geographical representation.

Syracuse has utilized the schools as neighborhood recreation centers. To Wilmington, Delaware, a neighborhood signifies the district served by a particular playground. The first neighborhood organization came about through a playground Christmas tree.

Recreation authorities agree that practically every community of 8,000 population or more needs to employ a director of recreation the year round. The yearly increase in the towns and cities reporting year-round recreation indicates that this ideal, which twenty years ago would have appeared extravagant and Utopian, is on its way to fulfillment.

VICE REPRESSION IN SAN FRANCISCO

BY EDWIN E. GRANT

Former State Senator from San Francisco; Author Redlight Abatement Law; President of State Law Enforcement League of California.

SEVEN years ago San Francisco tolerated a segregated district. In 1917, before federal pressure for closing redlight districts as a war measure had commenced, the segregated district of San Francisco was definitely closed. The remarkable part of it all is, considering the vastness of the San Francisco tenderloin district and its hold on the political life of the city, that San Francisco was not the very last of the large cities to abolish it.

To say that a revolution has occurred in the vice problem in San Francisco, would be only a mild statement of the facts. In former days people seemed to gloat over the enormity of these vice and crime centers.

THE MUNICIPAL BROTHEL

The political power of the tenderloin district was appalling. During these segregated district days a candidate for mayor had been elected on a platform that he would make San Francisco "the Paris of America." During a previous administration the mayor, also the political boss and adviser of the mayor, were convicted of extortion in connection with the operation of a notorious French restaurant assignation house. Another resort—a four-story crib house containing about seventy cribs—was so closely linked to that administration that it was generally spoken of as the "municipal brothel."

San Francisco on pretext of being a great seaport town, had become the dumping ground of the West. Vice and graft flourished together. Other western cities, seeking to wallow in the same mire, patterned their deadfalls after the cribs and parlor houses of San Francisco.

PASSAGE OF REDLIGHT LAW

When the Redlight Abatement Law became an issue in the state legislature in 1913, the San Francisco delegation led the fight against the passage of that law. They fought long and loud for the defeat of that measure lauding their segregated district as the salvation of San Francisco. One member stated on the floor of the Assembly that if this law were passed, the governor would be compelled to call out the militia to protect the womanhood of San Francisco. Another San Francisco assemblyman rushed into the Senate chamber and asked the writer to withdraw the bill as it would interfere with the marriage laws.

On the floor of the Senate, one of my colleagues from San Francisco argued that the tenderloin district was a good thing because whenever the police wanted to find a criminal they could usually find him in one of these redlight houses, whereas, if the houses were closed, they would have no trace of where he might be located. "San Francisco is a seaport town," was the prevailing argument from the San Francisco delegation. All reason fell before their eagerness to provide the seafaring man with his periodic debauch. Yet in spite of this opposition, fostered by property interests which would suffer by the passage of this measure, the Redlight Abatement Law was passed by both houses of the legislature and signed by the governor.

FORGED REFERENDUM

But the San Francisco underworld interests could not be checkmated by mere action of the legislature. California had, two years prior, in the interest of reform, passed an Initiative and Referendum Amendment to the State Constitution. The San Francisco underworld was quick to seize upon this opportunity, wherein they perpetrated the first abuse of the referendum.

Accordingly, they got together in the back room of a prominent San Francisco saloon (later closed on evidence of the State Law Enforcement League), and prepared a referendum petition, later found to be reeking with forgeries. Yet they were successful by this clever device in suspending the operation of the Redlight Abatement Law until it could be submitted to the people for a state-wide vote.

CAMPAIGN OF EDUCATION

A campaign of education then became necessary. The Women's Christian Temperance Union took the leading part, as they had done in the legislature. Franklin Hichborn, veteran of many successful battles against vice, gambling and liquor, was placed in charge of the fight. So well was the campaign handled, that the California voters passed the Redlight Abatement Law in November, 1914, by fifty thousand majority.

During this time the San Francisco underworld ruled the town. It carried on its reign of crime as it had done in years gone by. But the adverse vote they were able to bring out in San Francisco was not sufficient to stop the solemn verdict of the rest of the state that the segregated district must go.

When the law went into effect thirty days after the election—in December, 1914—the San Francisco underworld grew truculent. Death threats began to come to those who had fought the law through to passage, the day and the hour being named as the same time the redlight houses should actually close. After this first reaction, and the failure of the city administration to close these houses following the passage of the law, the San Francisco underworld settled down for a fight.

A local Law Enforcement League was formed with Bascom Johnson as executive head. The fight resolved itself into one of court action. This new organization immediately realized they must force action over the head of the district attorney. This was possible through a fortunate provision of the Redlight Abatement Law empowering a private citizen to begin action whenever the district attorney refuses to act. Through such means test suits were brought against certain houses in the segregated district. A long series of experiences with the law's delay during 1915 and 1916 followed, important court decisions being finally obtained upholding the constitutionality of the Redlight Abatement Law in some of its most vital points.

But despite the fact that this law had been upheld, the segregated district continued its lawlessness. The San Francisco underworld made clever use of dilatory tactics in friendly territory, thus preventing the law from becoming effective.

VICE CRUSADE

Then came the famous Vice Crusade in 1917, under the leadership of Rev. Paul Smith. The segregated district had grown in such proportions that it entirely overflowed the district assigned to it. It was gravitating into the high class hotel and apartment house district of the city. So bold did these women become, that they actually solicited their trade on the very doorsteps of Rev. Paul Smith's church.

This precipitated a decisive battle. Paul Smith opened fire on the entire segregated district of San Francisco. Names, dates and places were called. A roll of shame was read, and people high in the social life of San Francisco were exposed as deriving their fortunes from these brothels.

Fear seized the entire San Francisco underworld. The publicity attendant upon this Vice Crusade was daily dragging into the papers the names of some of San Francisco's most respected citizens. And even before those who had launched into this fight thought such a sweeping order would come, every segregated district in San Francisco was closed. This was February 14, 1917.

On this issue the State Law Enforcement League was organized to carry the fight for law enforcement throughout the entire state—not only for enforcement of laws against vice, but against liquor, gambling and illicit drugs as well—and to consolidate the victories that had been gained in San Francisco. The writer, because of his authorship of the Redlight Abatement Law, and his connection with enforcement work, was called in as executive head.

For a year or more these redlight houses remained entirely vacant, against the day that the storm would subside. The vice masters believed the district might again be used as a center for white slavery. During this period the houses were kept closed though ready to move into at an hour's notice.

But the war came and wrote another chapter into the death-knell of San Francisco's segregated district. The war policy of the government in protecting from disease men in uniform, as well as men subject to the draft, presented a situation that made the reopening of the district an inopportune move. When the war was over the government's fight against venereal disease was extended to demobilization.

LESSONS FROM THE WAR

This delay proved fatal to the schemes of the San Francisco underworld. By the time a successful move might have been made to reopen the district, education on disease made such a move impossible. Ambitious officials, despite their private views on the subject, could not afford to press their previous benighted views on this question. To do so might jeopardize their chances of stepping up higher.

During the war the State Law Enforcement League had kept active not only in San Francisco, but in Vallejo, Sacramento, San Jose and Oakland co-operating with military and naval authorities, and closing redlight houses by means of the Redlight Abatement Law in practically every county of the state. The league kept forever active in San Francisco co-operating with Police Captain Charles Goff in charge of the Morals Squad, who by means of frequent raids during that period made the remnants of the redlight business in San Francisco a dangerous occupation. On one occasion the writer, accompanied by Captain Goff, took a ten-year-old girl out of one of these houses.

A happy compliment to the league's work along military lines was given us by Commandant Harry George in a conference at the Mare Island Navy Yard. Commandant George said:

> Every time you close a house of prostitution you are adding materially to the military welfare of the United States. The German Government has overlooked no means whereby they might break down the morale of their enemies' troops, and it is inconceivable that they have overlooked this method. I believe there is a well-defined purpose on the part of the German Government to break down the morale of the American troops through liquor and vice.

The Navy apparently did not rate the efficiency of the United States sailors from the view-point of the San Francisco legislative delegation.

PROGRESS MADE

To-day, there is of course vice in San Francisco, despite the education the war made possible and the subsequent peace-time program. In the official argument for the Redlight Abatement Act that went out with the state ballot in 1914 the writer only claimed that the Redlight Abatement Law would materially reduce the volume of commercialized vice. Yet it has done more than was claimed even in those portions of the state where the problem has been most intense. Where in former days thousands of men and boys nightly visited these open redlight houses in San Francisco, to-day what is left of commercialized vice can be patronized only by one who understands the system,—and then at the risk of being exposed in his debauch.

Nor has a situation ever developed through the operation of the Redlight Abatement Law that required the governor to call out the militia to protect the womanhood of California. On the contrary, we have many concrete cases where erring girls would have easily drifted into redlight houses were the segregated districts open, but could not be trained into the life through the restrictions this form of repression offered.

VICE IN NEVADA

An interesting contrast to this situation is furnished by a recent incident in the state of Nevada. Nevada still tolerates segregated districts in wholesale fashion, there being hardly a town of any size in that state that does not have a "bull pen" or several parlor houses. On a recent trip to Nevada—which work often comes within our program because of interstate traffic—I talked with a young girl of about nineteen in one of these houses. Her beauty and even apparent innocence had hardly yet been effaced by her recent entry into the life. She told me she was from Hollywood, California, where she had a job as a motion picture actress; that she had been laid off at Hollywood for a time, and had come to Nevada to occupy this redlight house during the waiting period.

Now here is the analysis of that situation: with all the stories we hear about conditions at Hollywood—some of which may be exaggerated and others of which are all too true—and the attraction such a prosperous district would normally afford an erring young girl in entering a life of shame, yet this girl was prevented from entering the life in California because we have abolished the segregated districts. But in Nevada the door is wide open. All she had to do was enter and the door was closed.

DEPORTATION OF ALIENS

In San Francisco a method we have found highly effective has been the summary deportation of aliens engaged in the vice business. The league has worked on many occasions in cooperation with the United States Immigration Department. Within a month or so one of our operatives, by pre-arrangement with the immigration authorities, visited two houses of ill-fame we found had sprung up. Evidence of solicitation was established just before the immigration authorities raided the places. A Chinese cook in one house was summarily taken to Angel Island and held for deportation, while the French madam of the other was put on the island enroute to France.

The league has been highly successful in the deportation of criminal aliens. Most noteworthy of these is the deportation of Joe Fuski, king of the

Sacramento tenderloin and a political power in the capital of our state.

The foundation of the vice problem in California—that is, the commercialization of it—is largely a foreign problem. Such also is the case almost entirely with bootlegging. Once the American people become aroused to the vastness of vice and crime for which foreigners are responsible and begin a wholesale plan of deportation of criminal aliens, our vice and liquor problems will make another great stride toward solution. And this problem should be handled not only here by means of deportation, but at the source by compelling aliens to pass examinations in American standards before they even leave their native soil. In this way we will get the cream of foreign immigration instead of the dregs.

One serious setback in the program of vice repression in San Francisco is the abandonment, under a state administrative economy program, of the State Rehabilitation Farm for Delinquent Women. A system of gathering in the remnants of the old redlight houses, and sending them first into quarantine at the County Hospital, thence to the State Rehabilitation Farm, was making definite progress in clearing out the remnants of the old segregated district. One redlight woman in Reno, Nevada, with a record dating back to the days of the crib houses, told the writer at that time she had left San Francisco for Reno, on account of the danger of being quarantined.

Above that was the opportunity this state farm actually furnished for rehabilitation. When the farm was abandoned under this economy program one young girl turned loose by the closing of that institution came into the office of the State Law Enforcement League and told the writer that the opportunity this had given her of getting away from her old associates had given her the first grip on herself she had had since she started on her downward path. It is, however, in the minds of the progressive people of California, that this farm will soon be re-established, the buildings of this institution being still held intact for the purpose originally intended.

SUCCESS OF LAW ENFORCEMENT

The Redlight Abatement Law has proven a positive success in California. The fear with which property owners making money out of this business have viewed the law is the best evidence. In the years following the initial San Francisco decision in 1917 there have been twenty Appellate and Supreme Court decisions in California upholding the constitutionality of this law on one point or another. Every device known to brainy lawyers to upset the operation of the law or nullify its effectiveness has been used. The State Law Enforcement League has been directly involved in nearly every one of the cases resulting in these decisions. There has been a more general official fear of using this law in San Francisco than in most of the counties, but the threat of it is ever present and has a tremendous effect.

California has not only adjudicated the law for other states in the Union, but the enforcement of the abatement features of the Volstead Act has followed the law that has been written by these higher court decisions. The precedent for abatement of property used for illicit sale of liquor is based on the success of the Redlight Abatement Law in the various states where it is in force.

San Francisco has yet a long way to go in the solution of the vice problem. With the exception of two police districts, we cannot claim that aggressive action is the rule here. In most cases such action must be forced. But without doubt the volume of vice has been cut down at least seventy-five per cent by the closing of the segregated district. And furthermore, it no longer advertises itself to the rising generation in the way it did in years gone by.

With men and women steeped in vice passing on, and another generation, not engulfed by this wholesale system, coming along to take their places, this great problem as a commercialized business, is slowly, though surely, solving itself. Progress during the next ten years as far-reaching as the last means the crushing of this illegal traffic.

MONTCLAIR REJECTS THE CITY MANAGER PLAN

BY RANDOLPH O. HUUS

At a special election on March 11, Montclair, New Jersey, defeated the city manager proposal by a vote of 2,069 for to 2,997 against. The campaign for the manager plan in Montclair is of more than local interest because of the vigorous, organized effort that was made to convince the voters of the merits of this plan in a city where the glaring abuses that have caused some cities to adopt it did not exist. New Jersey only recently became converted to the city manager idea, the legislature early in 1923 passing a city manager charter law that might be adopted at a special election by cities of that state. In accordance with the law a petition was filed about the middle of February containing signers equal in number to 15 per cent of the persons that voted at the last general assembly election. That meant a rather short intensive campaign to inform the voters about the plan and to convince them of its superiority to the existing commission form.

Montclair is an attractive city of about 30,000 within an hour's distance from New York City. A large number of its residents are commuters with business or professional interests in New York, but with their civic and community interests in Montclair. A few of these men pushed the city manager idea and the Montclair City Manager League was organized. Most of the executive committee of the League were business or professional men ably backed by a number of exceedingly active and public-spirited women. The first important decision the League had to make was as to the conduct of the campaign. Were the existing commission government and its officials to be criticized, or were the voters to be urged to adopt the manager plan because it was intrinsically better than the commission form? For better or worse, the policy of "hands off the present city government" and "no personalities" was adopted. This policy was followed not without dissent from some members of the executive committee.

METHODS USED TO GET AT THE VOTER

How could the voter be convinced that it was worth his while to get out on election day and vote for the manager plan? Three methods were used to convert the indifferent or skeptical—public meetings, publicity, and personal persuasion. The League committee on public meetings tried to reach the voters in two ways. First, it arranged for a number of large mass meetings with prominent speakers and also neighborhood gatherings held in the schoolhouses in the various wards. These meetings were in most instances on the League's own responsibility, circulars and newspaper notices being depended on to get out a crowd. For the mass meetings outside speakers were featured—City Manager Louis F. Brownlow of Knoxville, Tennessee, Prof. A. R. Hatton of Cleveland, Ohio, and Rev. S. A. Brown of Petersburg, Virginia. With the use of extensive publicity, fair-sized audiences were secured for these meetings. Mass meetings of this kind can easily be overdone especially when they are one-sided affairs. A case in point was the final rally of the League on the Friday evening preceding the election. The original idea was to have a mass meeting conducted under the auspices of the local League of Women Voters where both sides would be given a hearing. The Good Government League (a temporary organization combating the city manager proposal) was invited to furnish speakers opposed to the change. But the Good Government League, for reasons known best to itself, refused to participate, saying in effect that there was only one issue to be debated, viz., the existence of corruption or inefficiency in the existing city government that would warrant any change of any kind! That made it necessary for the City Manager League to take charge of the meeting, and much energy was expended to make it a success. Prof. A. R. Hatton and Robert L. Cox, a member of the New Jersey State Board of Education and a resident of Montclair, were the speakers. Only a fair-sized crowd turned out, most of them probably favorably disposed. While the public mass meetings arranged by the League were moderately well attended, the neighborhood meetings in various ward schools proved almost a complete fizzle.

After all, in a campaign of this kind it is nonsense to waste time on those already converted. The most important business at hand is to get at the indifferent and hostile voter. And he can be reached most easily at the regular meetings of his club or society. Realizing this the League kept close tab on organization meetings of all kinds, and for the most part the local organizations were glad to allow the League speakers from five to twenty minutes, usually extending the same privilege to the opposition. This resulted in some lively debating with spirited give and take from the floor. Most of the local organizations adopted a neutral attitude indicating that they were desirous of hearing both sides of the argument. Meetings of this kind proved to be by far the most popular and effective. Labor Unions, women's clubs, church groups were reached by this method. Two of these groups took straw votes. The local Kiwanis Club voted overwhelmingly against the manager plan, as did the Building Trades Council. From surface indications it would appear that the local business men and the labor organizations were against any change.

The merits of the manager plan were extensively advertised by the League. During the last two weeks especially, numerous circulars, posters and pamphlets were distributed. Most of the publicity was prepared by the League. The following list will give an idea as to the nature and extent of the material sent to the voters:

1. Story of the City Manager Plan (pamphlet issued by the National Municipal League).

2. The City Manager Plan of City Government (1924 Report of the City Managers' Association).
3. Statement by Raymond B. Fosdick.
4. Statement by M. N. Baker.
5. A window poster containing the chief points of manager government and a chart of the plan according to the New Jersey law.
6. A window poster containing the opinions of representative men.
7. The *City Manager News*, published by the League.
8. A summary of the New Jersey City Manager law.
9. Two statements replying to opposition circulars.
10. A pre-election folder entitled, "Are You Afraid of Bogies?"
11. A "Citizen's Primer."
12. A summary of the Montclair Chamber of Commerce Survey on the success of the plan in other cities.

Two pamphlets that deserve special mention were "The Citizen's Primer" and the summary of the Chamber of Commerce survey. "The Citizen's Primer" was a primer on the manager plan with thirty-five short questions and answers about it. The primer told what the plan was as well as why it should be adopted. The survey of the local Chamber of Commerce provided a striking bit of publicity as to the success of city manager governments. The local chamber decided to find out for itself what prominent business and professional men in cities operating under the plan thought of it. Thirty-six letters were sent out to men in no way connected with the government of their cities asking for an expression of opinion pro or con as to the success of the manager plan. The verdict was overwhelming—thirty of the answers were definitely in favor, four were more or less neutral, while two stated that it was too early to judge the success of the plan in their city. The replies came from twenty widely scattered cities. It might also be mentioned that a similar independent investigation by a prominent Montclair resident brought response almost identical with the above. On the whole, the publicity material was attractive, to the point and well prepared, but possibly too highbrow.

The most important job of all, no doubt, was that of personal contact with the voter. And to see that he registered, if necessary, and went to the polls and voted. To accomplish this an excellent scheme was worked out—on paper. Each election district was put in charge of a captain. The captains were to appoint workers, assigning about twenty families to each worker. The workers were supposed to make an aggressive canvass noting those in favor, opposed or doubtful. The workers were also supposed to see that those who had neglected to register did so, and to get out all the voters that favored the plan on election day.

Much was accomplished, but much more could have been done, with an earlier start and more direct supervision of the field work. Personal work gets results when meetings and publicity fail.

THE OPPOSITION UNCOVERS A TRICK OR TWO

Meanwhile the opposition was far from idle. The defense of the existing commission form was in the hands of the "Good Government League," a temporary organization possibly more interested in the defeat of the manager plan than in good government. At all events this League was merely a smoke screen for the really active part of the opposition, *viz.*, the local Republican machine and most of the personnel of the present government, their families and friends. It is interesting to note that the secretary of this League was as active in opposing the commission form when it was first proposed as he was now active in defending it. The opposition had a bagful of political tricks, and one by one they were put into use. They advertised much less extensively in the local papers than the Manager League did, but when they did their counterblasts were often as entertaining as they probably were effective. One advertisement claims the campaign was conducted "with the help and backing of the powerful International City Manager's Association and the National Municipal League—strangers all to our people are they and their members." Under the heading, "A Montclair Revolution," the National Municipal League is handed this brickbat, "They do not undertake this work for the love of Montclair or any other community. It is strictly a business proposition." Who could resist the following appeal, "It is not courtesy," *i.e.*, to the present commissioners, but of course nothing more could be expected from the "selfish, professional proponents" of the plan. But the others not selfishly interested are asked if they "do not want to be courteous to these good men?"

Two interesting circulars were distributed by the opposition. One was entitled "Fair Play." Its substance is as follows. The Manager League first said that it would not criticize the present government. Now, fifteen days before the election a speaker of the League says that the League will show that the Montclair government is not operating successfully. Can this be "fair play?" As a matter of fact the League did adhere to its original idea of keeping away from personalities by not criticizing the existing commission government, so that the opposition went off on a false scent. However, they did attempt in this manner to cast suspicion on the tactics the Manager League employed. The other circular was cleverly headed, "Shall we give up our present good working government for?" It contained a series of "Do You Know" questions and answers. One of the answers to a "Do you know" question, which indicates the nature of the objections, was, "That there are many kinds of City Manager laws."

Some of the objections raised might prove of interest. It was said that the New Jersey City Manager law was defective, even dangerous; that the time was too short for proper deliberation; that the plan was autocratic and probably aristocratic; that the executive committee of the League was not representative. It was also said that no charges of graft had been made against the present government making a change necessary; that the plan was pushed by outside interests for selfish reasons; that the liberal spending of money must mean "a nigger in the woodpile" somewhere; and, of course, that the plan was "un-American." No campaign can be quite complete without such a charge. A local newspaper reported the Town Counsel to have called the city manager government "a monarchy," and to have said "it was disgusting, abominable, astounding that people should return to a government long ago discarded as despotic."

It was among the colored voters of the pivotal fourth ward that the most fanciful rumors were circulated and, judging from the final vote, with telling effect. The Manager League realized all too late the hostility of the colored voters, and tried to offset this by securing Rev. S. A. Brown, colored minister of Petersburg, Virginia, to describe the city government there under City Manager Brownlow's administration. Reverend Brown gave a creditable talk to a mass meeting of colored voters, but the vigorous heckling from the floor after the talk was evidence enough of the majority sentiment among the colored voters. And also that those opposing the plan had circulated statements that were having their effect on the colored voter. The colored voter was told that if the plan was adopted the city manager would, beyond a reasonable doubt, come from a Southern city and that he might be a Ku Kluxer. That was enough! Not satisfied with that, however, a second rumor appeared that was headlined on the front page of the local daily newspaper. That was to the effect that the manager once in power would be used as a smoke screen to change all of the colored sections of Montclair into parks and boulevards, forcing the colored people back South. It is impossible to allay the fears aroused by such rumors in merely denying their truth shortly before the election.

The weather on election day was not the kind that tempts one to get outside. It offered a good excuse for the stay-at-homes. The opposition was exceedingly active both on the registration days and on election day. Private cars and taxis took many an Italian and colored voter to the polls. The Manager League used the telephone, reminding the workers to vote and asking them to be responsible for the voting of those in their quota that favored the plan. The League had private cars at its disposal but, having made little inroad into the Italian and colored district, found little use for them. Five thousand and sixty-six ballots were cast—2,997 of these were against the plan, a majority against of 928. Two of the five wards returned majorities for the manager plan. The second and fifth wards voted against two to one; the fourth over four to one. It is worth noting that the two predominantly colored districts of the fourth ward voted against about nine to one. However, the two to one vote of the second and fifth wards was great enough even to counterbalance a favorable colored vote.

CONCLUSIONS

The Montclair campaign was carried on by a group of unusually public-spirited, experienced and intelligent men and women. The mistakes made might easily be made by any group pushing this plan in other American cities. With this in mind, some of the causes for the failure of the campaign are very briefly listed below:

1. *The time was too short.* To explain to the voters what the commission form is, then what the city manager plan is, and finally the advantages of the manager plan in five or six weeks is a difficult task. The voter often instinctively adopts a negative attitude.

2. *There was too much printed publicity.* Attractive and excellent as the campaign literature, there was too much of it and it was probably too highbrow for the average citizen. The publicity that counts is the kind that people read.

3. *The executive committee was not truly representative.* Neither the negroes nor Italians were represented. Nor the labor unions. It was too exclusively business and professional.

4. *Importance of ward-district work underestimated.* The election district organization was effected shortly before election day. It would have been wiser to have put more time on the work of the organized workers and less on publicity and meetings if necessary.

5. *The campaign was too much of the educational type.* In the laudable determination to avoid mud-slinging and personalities, the policy of the League made the campaign appear rather colorless. The shortcomings of the existing Commission government were not exposed.

For a month Montclairites discussed problems of city government, some even getting excited about the matter. This arousal of civic interest is the very substantial gain that results from a campaign of this kind, whether or not the election results in the immediate adoption of the manager plan.

VIEWS ON ZONING AND HOUSING

AS EXPRESSED AT THE NATIONAL HOUSING CONFERENCE HELD IN PHILADELPHIA, DECEMBER, 1923

I. WHAT THE BANKER THINKS OF ZONING

BY GEORGE S. EDIE

Vice-President, Westchester Trust Co., Yonkers, N. Y.

THE banker thinks no differently of zoning than does the ordinary thoughtful citizen. He is, however, more interested in preserving values and preventing, as far as possible, unnecessary waste and unnecessary losses.

When one sees an apartment house erected in a district of private dwellings there comes to mind immediately the thought that someone is profiting at the expense of another. One knows that the apartment house is worth more because of its location, and also that the owners of the houses in the immediate vicinity are losing values, because of the apartment house being located in that section.

I want to illustrate this with an instance that came directly to my knowledge in Yonkers. There was a customer of ours who owned a very beautiful house in the south end of the town in a district which was occupied entirely by private houses. The company which owned this district restricted each individual lot as it sold it, and did not put a blanket restriction on the whole property. After a time, the company got into financial difficulties and sold off a parcel immediately adjoining that of our customer's.

Thereupon the new purchaser began the erection of an apartment house. Action was brought in the courts to prevent this, but inasmuch as the restriction did not cover all the land or all the plot, the action was thrown out of court. What happened? Immediately upon the completion of that apartment house—in fact prior to its completion—our customer's property decreased in value; and because of the location of the apartment house, the man owning it was able to get much more rent than from apartment houses located elsewhere in the neighborhood.

Again, we have seen an instance in New York City where, in a business district occupied by stores, industry in the form of manufacturing plants came in, and immediately the value of that location as store property decreased, and many of the stores went out of business. The section of Sixth Avenue in the neighborhood of 23rd Street at one time was the bright and shining example of a very prosperous business section, but upon the arrival of industry, and manufacturing establishments, we saw that district wiped out.

This came to my attention as a banker, as our bank was trustee for an estate which held some property in that neighborhood. We found that the value of that property had shrunk considerably from the time we took the estate over.

Another instance is the case of the garage. In every city the public garage has come to stay, but there is a proper place for it. Yonkers prior to our zoning ordinance saw instances of public garages going into business sections, and hurting values to some extent, but where they went into residential sections they absolutely ruined values in that immediate neighborhood.

A striking example of why a city should be zoned is found in the following experience of ours. Some years ago a customer of ours owned property in the south end of the town. This property was a very good property, and all around it were houses running in value from $20,000 to $30,000. Our client built two very good houses, and during this operation she became financially involved, and we loaned her money to meet her needs. Later on we took a second mortgage on these properties to secure our loan. The first mortgage on the small house was about $7,000; the mortgage on the larger house ran to $8,500. At that time the larger house rented for about $200 a month. When our client was unable to pay her interest and taxes the first mortgagees foreclosed, and we were forced into buying in the property to protect our second mortgage. The property cost us about $23,000, and was well worth $35,000.

It happened that the man who owned the adjoining piece of land wanted to buy these two properties from us, and we were willing to sell them at what they stood on our books, but the terms that he offered were not satisfactory. He then came in and said, "If you don't sell them at my terms I'll build a public garage next to your property." Subsequently he did build the garage, and he put the entrance just as close to our property as he could—a public garage to house sixty or seventy cars.

What was the result? The house that rented for $200 a month went down to $100 a month and later to $83 a month. So after holding those properties for several years at a loss, we were forced to sell them at about $23,000. There was a loss of at least $12,000 to someone, and that loss was occasioned solely by the building of that garage in that section.

These are some of the experiences that finally resulted in the passage of the zoning ordinance in Yonkers. It is hard for me to distinguish the various parts that I have played with reference to this zoning ordinance. In the first place, I represent a large real estate company; I was a member of the commission which framed the ordinance; and to-day I am a member of the zoning board of appeals. If you would ask me to define zoning from the banker's standpoint I presume it would be the same definition as given by others.

Zoning, in my estimation, is just orderly house building—just the orderly development and arrangement of a city. The object of zoning is to achieve regularity and orderliness in a city's growth and development. Zoning lays out areas for buildings for the various purposes and needs of a city. It exercises a strong influence upon property development and subdivision of vacant land. Zoning protects property values from irresponsible and unscrupulous speculative interests. And, finally, zoning prepares for the future and preserves and safeguards the present from unnecessary depreciation and loss; and works in all ways for the welfare, prosperity and advancement of a city.

You ask me if zoning is a good investment. For many years we had in Yonkers a sort of zoning by the large landholder's restricting the development of his property. These restrictions as a rule ran for approximately twenty years; and you will all agree that, as you look forward, twenty years is a long time; but, as you look backward, twenty years seems but a day. So it was in Yonkers. The twenty-year period of restriction soon went by, and the result was that at the end of that period property owners and house owners found themselves with property and houses that had no protection whatever.

A striking example of this was found in a beautiful section of Yonkers known as Park Hill. This section had been developed with such restrictions, and at the time of the agitation for our zoning ordinance these restrictions were about to run out.

The restrictions provided private houses of a certain value; for setbacks of a certain size. As the ordinary development went, between each house there was a vacant lot, which the developers thought would sooner or later be purchased by the adjoining house owner.

Before the twenty years had expired the company went into the hands of a receiver. All we could see for the future of the district was that at the end of the restrictive period, viz., in two years, speculative interests of no mean character might come in and plunder that section. We could see that beautiful section disappearing as one of the chief residential districts of Yonkers; and this possibly more than any other cause was the chief reason for zoning in our town. We did want to prevent garages from locating on those vacant lots and apartment houses from going up, which would run out to the street line and kill the value of this beautiful home district. We preserved that section by our zoning ordinance.

An interesting fact that our experience with our zoning ordinance has developed is that in sections of the town where before there was zoning there was no building, because of the uncertainty of its future development, we find that since our zoning ordinance went into effect, that these sections have come into their own. Houses similar to those built in years gone by have recently been built. Such a section is the Ludlow section in the south end of our town. This has taken place because that section is now stable. People know that no one can go in there and kill their values by future development and future building.

Let me speak of zoning as an investment from a civic standpoint. When our sessions were on with relation to our zoning ordinance in Yonkers we found some people clamoring for us to permit higher buildings and more families per acre than we thought wise.

After careful study we found that if the number of families per acre and the height of buildings were increased, our public utilities could not stand the pressure. It would require new sewers, new water lines, and many other additional expenditures.

As a matter of fact, in one section of town which was formerly a private house section, apartment houses sprang up so fast that we were forced to tear up the old sewer, which would have been adequate to supply the needs of the one-family houses, and put in a large new sewer at great expense.

That is what I call inexcusable waste. Zoning a city is of great value. It permits the engineer to lay out his public work, as the future will demand, and saves money for the city.

The conservative banker seeks to invest in securities of certain value, where there is little change or chance of fluctuation. He likes something that is stable, and looks for safety and security of investment.

From the point of view of real estate investments, the banker is deeply interested in zoning. Under the laws of New York savings banks, trust companies and trustees are permitted to loan two-thirds of the appraised value of real estate. Prior to zoning we saw in Yonkers very violent changes in real estate.

In the north end of our town in a one-family unrestricted district, a row of stores sprang up almost over night. The result of this was that the entire district immediately adjacent to this property lost value, and to-day it is what one might term a small business section in this residential district.

The depositor in the bank often needs credit; and when his statement shows real estate investments, it is very important that the statement be scrutinized very cautiously by the banker. In days prior to zoning, where the customer showed a property in a residential district it was very important to know whether or not this district was restricted for a long or short term of years, inasmuch as this would decide very materially its real value. So many violent changes had occurred in our town that many real estate values had been destroyed by unwise building, and the banker, of necessity, had to be very cautious.

To-day, with zoning, a residence has a real value and can be used by the customer as security at its real worth or cost. Consequently, the customer, if in need of capital for his business, can borrow large sums on first mortgage because of the stability of his property. If in need of credit, the real estate can be property listed on a statement at its true value. This enables the customer to have less invested in real estate, and more money is made available for trade, manufacture and commerce.

Therefore, as a banker I can say there is no other side to it. A zoning ordinance does help a town. It has helped Yonkers; it has stabilized values there. We have to-day in Yonkers a workable ordinance that is satisfactory to everybody.

II. WHAT ONE REALTOR THINKS OF ZONING

BY J. W. CREE, JR.

Realtor, Pittsburgh

There is, perhaps, nothing so obnoxious to the average American as regulation. Our ideas of personal liberty are such that our natural reaction to regulatory legislation is antagonistic to it. This is particularly true when such legislation affects us personally. Almost everyone has some particular law which is the epitome of oppression to him, and almost every class of professional and business men feels that their profession or business is controlled just a little more than any other.

The life work of the average realtor is the buying, selling and leasing of real estate. After twenty years' experience in the business, I believe realtors represent as good a type of American citizens and have as high ethical ideas as any other profession. Although I have known it to be done, is it not a great deal to expect the average man to refuse to do perfectly legitimate business in his own line, which he knows someone else no less scrupulous than himself, perhaps, but with a different point of view, will do if he refuses; because he knows that the use to which the property is to be put is not the same as that for which other properties in the neighborhood are used? Such refusals gain nothing for him but the loss of business, with a resultant shortening of the bread and butter supply. Since the zoning law prohibits certain uses of certain land, to the mind of the average realtor it interferes with its free and unrestricted barter—a most undesirable state of affairs from his point of view.

The average realtor looks upon a zoning law: first, as an added burden in the way of restrictive legislation to the community at large; second, as interfering with the almost divine right of the ownership of real property; and third, as a direct interference with his earning of his daily bread. Is it any wonder that with this realtor the idea of a zoning ordinance is about as popular as the eighteenth amendment is with certain of our citizens?

I think there is no realtor who does not realize that a zoning law is most beautiful in theory; that, if a modern city could be built in accordance with the best ideas of zoning, it would be an ideal city in which to live. He has no objection to zoning in theory; his difficulty is that he cannot see how it can be applied practically in communities which have grown to be great municipalities—the places where the zoner feels such regulation is most needed.

Your realtor does not admit that the growth of any large center of population is a haphazard circumstance. He feels that from the first settlement of such a community its existence has been according to some natural law and that its growth and development have been governed by natural economic principles—perhaps not the same principle which prompted the first settlement but, nevertheless, by entirely natural circumstance. He sees in a zoning law an attempt by artificial means to interfere with the natural development of a community and he doubts whether in a community already largely developed this can be done without great injustice.

There is, perhaps, not a single man in the real estate business who does not feel that proper restrictions should be placed in residential districts; almost every subdivision now laid out carries them. There is no class of men that feel more strongly that the misplaced store or garage or factory is a detriment to a neighborhood, and there is no class of men that would welcome more readily some way by which such things could be avoided.

There is no great difference of opinion, I think, as to the advisability of industry, commerce and residence being segregated each to its own districts; the problem being whether it can be done in an established city without injustice amounting almost to confiscation. There is, however, a wide variance of idea as to the necessity for the regulation of height and area, and much to be said on either side as to the practicability of its application by general rule.

Ever since I have thought much about zoning, I have thought the theory of it a beautiful idea; but I am rather a recent convert to the idea that it can be applied justly in established communities. I believe firmly in the advisability of use restrictions, and I believe that reasonable height and area limitations in certain conditions are almost as necessary. Any new law such as zoning requires readjustment of ideas and, while I do not believe it can be put into effect without some interference with plans in certain cases, I do believe zoning can be applied to the modern city without injustice to any great number of property owners.

The application of the zoning law to a large established city is a colossal job; the division of such a city into districts, even as that city is to-day, requires months of careful study and the trend of probable development in certain districts even more. Is this seemingly misplaced factory in a location destined to be a manufacturing center? Will a business community grow around this corner grocery? Will this neighborhood become an exclusively single dwelling district, or should it be an apartment house area?

No one will deny that it is impossible to legislate to-day for the changed conditions of to-morrow. It is impossible even in what seem very simple things to lay down rules which will be practical in their application even a very short time after the framing of such rules. This is true in almost every human activity—whether mental, moral or physical. And, it seems to me, it is particularly true in the application of a zoning law; for the changes in the development of a large city seem to be governed by the same uncertain laws which control the traditional woman's mind.

The great menace in zoning, to the mind of the average realtor, is the danger arising from the improper zoning of property and the difficulty of having such mistakes corrected.

The prime essential to the successful application of a zoning law in an established city, to my mind, is that it be flexible enough to meet all situations arising under it and that the method of securing variations of its provisions be as simple as possible. This, it seems to me, can be best secured through a board of appeals, and this board should have broad powers.

I have great confidence that, as the provisions of zoning laws become better known and it is seen how simple it is to overcome practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, that not only realtors, but the public at large, will come to see that the protection given their properties far outweighs any inconvenience there may be in the use of property restricted by a proper zoning law, and that its application is practical and to the great benefit of the community.

III. REDUCING THE COST OF HOUSING

By Eliminating Unnecessary Building Law Requirements

BY IRA H. WOOLSON

Chairman, Committee on Building Codes, U. S. Department of Commerce

We can take it as a general axiom that poor building is costly building. In other words, there is no real economy in building with poor materials or with a lack of stability. It is bad judgment to use poor materials because they are cheap, or to skimp the amount of structural material used, below that point which will render a building permanently rigid. In these days of mass construction, particularly for small house construction, there is a strong tendency on the part of speculative builders to erect rows of dwellings which are by no means a credit to the builders, and are sure to be a disappointment, and a financially bad investment, for those who purchase them.

But there are real economies to be had by not making building construction unnecessarily restrictive.

Let me tell you something of the economies which may be expected from an application of the proposed standard building regulations that are being prepared by the building code committee of the United States Department of Commerce.

I shall endeavor to do this in a general way—pointing out the essential or more prominent features of construction in which these economies are most likely to be found—and shall not attempt to apply any special rules, nor to estimate the saving of cost that might accrue from application to a particular building, because such a statement would have little value, since it would depend so much upon the character of design.

The committee is progressive in its ideas in that it recommends that building laws shall have as much latitude as possible in the way of application of the use of materials to construction so as to promote economy in construction, but at the same time the committee is conservative in the belief that sound construction should always be the ultimate aim.

The committee is not attempting to promulgate its own ideas or theories as to what building construction should be. It gathers information and opinions from every available source, and uses its experience in analyzing and classifying that material according to its relative value. After thus sifting it, a tentative set of regulations are prepared which is sent broadcast over the country to qualified experts for criticism.

We have a large number of such men—building officials, architects, engineers, and those connected with technical societies and others—whose opinion is certainly worth while. When this advice is received the committee proceeds to classify it and revise its tentative regulations in the light of the weight of evidence presented. This constitutes its final report, which is printed and distributed to the public.

It represents, as nearly as we are able to get at it, the average concensus of opinion of those people in the country who are best qualified to pass upon the subject under discussion. There is no use in trying to prepare standard laws or regulations which are much above the average judgment of qualified experts, because you will not get anywhere by such procedure. Their views must be supported by public opinion if you are going to have them enacted into laws and have them become effective.

Thus far the committee has finished but one report dealing with the minimum recommended requirements for the construction of small dwellings, a tentative report upon regulations covering wall construction for all building has been before the public for discussion for some weeks. The committee has also in preparation a report upon allowable floor loads for which various classes of building occupancy should be designed.

In addition to these, there has been prepared a very excellent report upon plumbing. This has been drafted by a subcommittee on plumbing, and is now in complete form ready for the printer. Prof. George C. Whipple of Harvard University is chairman of that subcommittee.

Thus far the greatest reductions in costs which may be expected from the committee's endeavors will probably be found in the relaxations which the committee advocates of existing requirements for thicknesses of walls, and allowable floor loads for buildings of various occupancies.

An analysis of 134 building codes, representing all sections of the United States, disclosed that for one-, two- and three-story dwellings the thickness of walls required by 60 per cent of the codes was 12 inches thick and upwards, to 20 inches. Similarly, for four-story buildings, 70 per cent of the codes required that walls should be 12 inches thick and upwards, to 24 inches.

The consensus of expert opinion obtained by the committee upon this subject was that such walls were unnecessary for the class of building and the type of occupancy. The building code committee, therefore, in its small house specifications, recommended 8-inch walls for dwellings up to 30 feet in height plus a 5-foot gable.

In the skeleton type of building—that is, where the walls are carried upon the steel or reinforced concrete framework in each story—the committee's tentative recommendations for all walls, with the exception possibly of fire walls and party walls, is a thickness of 8 inches. That is a reduction of about one-third on the present requirements in many cities.

The committee's tentative recommendations, if adopted, will reduce the average thickness of walls for the better class of dwelling construction nearly 10 per cent for bearing walls, and 20 per cent for non-bearing walls. Corresponding reductions for industrial and commercial types of building would show a saving of 14 per cent to 26 per cent, depending upon whether the walls are bearing or non-bearing. There is less reduction in thickness in proportion in bearing walls than in non-bearing walls, for the reason that the bearing wall depends very largely for its support upon its anchorage to the floor system. In case of fire, if the floor system burns out, these walls become very unstable, and consequently dangerous; and the committee feels that it is not justified in making as great a reduction in thickness for such walls.

Similar reductions will be found—though perhaps not as great a percentage—in walls which are built of hollow tile, concrete block and similar materials. The units are large, consequently it is not as easy for builders to avail themselves of the theoretical reductions that would be permitted upon a strength basis, as it would be the case with the smaller units of brick. There would also be some saving in foundation walls, but not as great as in other walls.

At existing prices for masonry materials and labor, it can easily be seen that there is opportunity for a very substantial reduction in cost of building due to the relaxations which the committee is recommending. Though this saving for a particular small building might not be large, the accumulation of the saving upon a thousand houses will bulk to a large figure.

To judge of what the actual saving might be by the application of these proposed recommendations, my information upon the subject is to the effect that in 1922 contracts were let in this country for $1,320,000,000 worth of large buildings. It seems reasonable to assume that 80 per cent of that construction would have masonry walls, and that at least 10 per cent of the cost of that construction would be in the walls themselves.

Assuming further, that 20 per cent of the construction was residential and 80 per cent to industrial or commercial, a rough estimate would indicate that if the economies recommended by the committee had been applied to this program, a saving of $16,000,000 would have resulted. Of course, that is more or less of a rough estimate. Some statisticians hold that the construction values were considerably greater than the figure I have stated as one and one-third billion dollars. In that case, the saving would be correspondingly greater.

Next to the saving which may be expected from the construction of walls, is the saving which will probably accrue from application of the committee's recommendations for allowable live floor loads required for different kinds of occupancy.

An examination of 109 building codes fairly representing the country as a whole, disclosed that in 50 per cent of them the live floor load requirements for dwellings was 60 pounds and upwards to 100 pounds per square foot; and an average of all showed 53 pounds per square foot for the first floor. The consensus of opinion was that these loads were entirely excessive for the class of occupancy.

The committee recommends 40 pounds per square foot as ample in ordinary construction, if care be taken to keep unit stresses in structural members within safe limits. A reduction to 30 pounds per square foot is permitted for monolithic floor construction, or those with ribbed slabs. In joisted construction it is estimated that the reduction in floor load in the dwelling class will permit floor timbers of a given size and quality to increase 10 per cent in length, or the use of smaller timbers. Either solution promotes economy.

The committee has gathered a great deal of information upon actual floor loads. For dwelling-house occupancy the average load would not be over 10 pounds per square foot, and in a great many cases less than that. Ten to 15 pounds would be ample, but, of course, we must always make provision for the exceptional loading which may come from crowding of people at the time of some function being held in the rooms. We have recently had an analysis made of a number of dormitory rooms in New York state hospitals, and find that the average actual loading there is but 7½ pounds, and that is under a condition of 25 per cent congestion.

It is, of course, not wise to design floors too closely to the loads they are supposed to carry. One must have a large factor of safety, because there is always possibility of the change of occupancy of a room to some other purpose; therefore, provision must be made for such contingencies.

There will be some saving in the cost of roof construction, but not as great as for floors. Roofs are always subject to exceptional and unanticipated loading—as, for instance, that of moving groups of people watching a circus go by, or some other entertainment in the street. It is not advisable, therefore, to make as great reduction for roofs as might be done for floors.

It is questionable whether any material saving will result from the committee's recommendations for frame buildings or those having frame construction covered with veneer or stucco; but it is very certain that if such buildings are constructed according to the committee's recommendations, it will result in a very much better type of building than is now generally found under these three classes; and anything that makes for permanency promotes conservation.

The committee is also thoroughly in accord with the idea of approving new materials and new methods of construction which seem to give promise of economy, just as soon as the merits of such methods have been fully demonstrated. This makes for competition, which generally reduces cost.

You probably know that it is difficult at the present time for the proponents of a new method of construction or of a new material to break their way in through the barrier of a city building code and get permission to use such materials or methods in the construction of buildings. Building codes are usually conservative, perhaps unwisely so, to the extent that they block progress. The building official, as a rule, has little opportunity to go beyond the actual wording of the law, and unless the law is so worded as to make it convenient for him to open the way for new materials or new methods it is very difficult indeed for them to get recognition.

IV. DO WE NEED RENT CONTROL LAWS PERMANENTLY?

BY CLARA SEARS TAYLOR

Member, Rent Commission of the District of Columbia, Washington

The war taught us many things! One of the fundamentals of social life brought to the attention of the world was that real property is affected with a public interest, that housing is a public utility. It has become a "publicly notorious and almost world-wide fact."

After the armistice had been signed and the world tried to slip back into the old way of peaceful living, it found there was no place to live—peacefully; that the allocation of materials and labor to war needs had held up building and repairs for so long that the world was short hundreds of thousands of houses. France, Austria, Italy, England, Finland, America—all the countries of the world—felt the shortage. Laws were passed relieving buildings of taxation; lending government money; protecting tenants from unjust rentals; some countries even allocating floor space; forcibly taking over certain space in residences to house the unsheltered. Countries all over the world are still worrying over this problem fraught with serious social and economic possibilities. It seems to be pretty generally understood now that it is a problem that cannot be left to solve itself.

The two cities in the United States where the needs for legislative help has been found to be the most critical are New York and Washington—New York, limited in area, with serious transportation problems, with millions of human beings swarming like ants over its surface; Washington, swollen in population from approximately 300,000 to 600,000 to set up the machinery for a great war, resulting in "rental conditions dangerous to public health, burdensome to public officers and embarrassing to the Federal Government in the transaction of public business."

Out of this war emergency, grew rent legislation of two types: one, operating primarily through a commission empowered to determine and fix a just and reasonable charge for rental property; the other making the fact that a rent is unjust and unreasonable a defense to an action for recovery through the courts. Birmingham, Detroit, Chicago, Denver and Los Angeles, all congested cities, had their own quarrels over profiteering in rents, but in the two cities mentioned this legislation has continued unbroken—although bitterly attacked, scientifically, legally and economically fought.

The District of Columbia Rents Act has been in existence over four years, and although it has allowed a fair return on honest investments, it has saved tenants thousands of dollars and has kept the business of the government from being inefficiently handled by under-nourished, mentally-disturbed workers. If there is a city in the United States where there can be no doubt about real property's "taking on a public interest," it is the Capital.

Washington is primarily a city of government workers. About 70 per cent of the entire population is connected in some way with the government; 60 per cent of these are women, so one can see what the economic status of the tenant class is there.

It is not generally realized that the salary of the government clerk under civil service is practically where it was just after the Civil War. It hardly seems possible, but it is true. Under the civil service, according to the latest report of the civil service statistician, there are employed in the District of Columbia some 38,000 men and 27,000 women. The average salary of these employees, taking into consideration the salary of the President and all other high salaries, is $1,500.00. If the salary of the woman clerk is taken into consideration, it will be discovered that, counting out the higher paid salaries, easily inside of one hundred, the average salary is $1,200, or $100 a month. The average salary before the late war was less than $1,200, and to that salary was added a $240 bonus and not much else. Now, out of this $100 a month, the government clerk, who usually has at least one dependent, often an old mother or crippled child, is supposed to pay for all the necessities of life, including rent. Prior to the war she paid all that she possibly could out of her salary into her rent, but when the rent was raised, first 25 per cent, then 33⅓ per cent, then 60 per cent, and then 100 per cent over the pre-war rental, where was she with her $100? What happened was that she went to her work without proper nourishment, without proper clothes, and certainly with her mind in a very bad condition to do the government work efficiently.

It is interesting to note that this legislation was placed on the statute books and twice sustained by 96 Senators and 435 Congressmen, representing every section of the country, and that it was declared constitutional by the Supreme Court of the United States. The very name of the judge who wrote this decision fires the imagination—Oliver Wendell Holmes—a great mind tempering the law with justice, outweighing technicality with humanity. This is, in part, the manner in which he answered the Court of Appeals of the District which had declared the act unconstitutional:

> The fact that tangible property is visible tends to give a rigidity to our conception of our rights in it that we do not attach to others less concretely clothed. But the notion that the former are exempt from the legislative modification required from time to time in civilized life is contradicted not only by the doctrine of eminent domain, under which what is taken is paid for, but by that of the police power in its proper sense, under which property rights may be cut down, and to that extent taken, without pay. Under the police power the right to erect buildings in a certain quarter of a city may be limited to from 80 to 100 feet; safe pillars may be required in coal mines; billboards in cities may be regulated; watersheds in the country may be kept clear. These cases are enough to establish that a public exigency will justify the legislature in restricting property rights in land to a certain extent without compensation. But if, to answer one need, the legislature may limit height, to answer another it may limit rent. . . .
>
> Housing is a necessity of life. All the elements of a public interest justifying some degree of public control are present. . . .
>
> But if the public interest be established, the regulation of rates is one of the first forms in which it is asserted and the validity of such regulation has been settled since *Munn* vs. *Illinois*. . . .
>
> The statute is objected to on the further ground that landlords and tenants are deprived by it of a trial by jury on the right to possession of the land. If the power of the commission established by the statute to regulate the relation is established, as we think it is, by what we have said, this objection amounts to little. To regulate the relation and to decide the facts affecting it are hardly separable.

Legislative limitation on the use of real property has been recognized as constitutional in increasingly numerous instances and in every section of the world. Not only has the constitutionality of this legislation been upheld by various courts, but opinions have been stated by extremely brilliant men in forceful terms, and, although there are many technical lawyers vigorously opposed to such legislation, there is a large number of a more "progressive bloc" who uphold the law. In the *Marcus Brown Holding Company* vs. *Marcus Feldman*, a New York case, Mr. David Podell said:

> Police power has long since been adjudicated by this court to include more than the justification of legislative acts in the interest of protecting the health, safety and morals of the community. . . .

And as to contracts Mr. Podell says:

> Neither the contract clause nor the due process clause of the federal constitution is superior to the exercise of the police power of the state. . . .
>
> Legislation which seeks to relieve a large part of the community which stands on an unequal bargaining footing with a small and powerful economic group has been increasing. An academic assertion of equality in the face of practical conditions of inequality is a fallacious theory. Supposed volition cloaks actual duress. Compulsion is present as a fact where there appears none in legal principle. An overpowered will is merely yielding to a fictitious assent.

And Mr. William D. Guthrie filed a *x* brief for the attorney-general of New York as *amicus curiae*, in the same case, in which he stated:

> In determining the constitutionality of statutes passed in the exercise of the police power, the courts have invariably attached much weight to examples of analogous legislation in other countries, enacted in order to remedy similar acute conditions, or to meet similar governmental problems. . . .
>
> Neither the contract clause nor the due process clause of the constitution abridges the power or duty of the legislature to enact appropriate and necessary laws in order to protect and safeguard the health, safety, order, morals or general welfare of the public. . . .
>
> From time immemorial the government of England has exercised the power to forbid any and all practices which had the effect of unduly enhancing the price which the people must pay for the necessaries.
>
> The laws against usury were obviously directed to the purpose of preventing unconscionable lenders from extorting oppressive profits and preying upon the necessities of borrowers. They were plain examples of laws preventing oppression, enacted at the expense of freedom of contract and individual property right, for the benefit of borrowers,—a class far less in number than the tenant class. . . .

I am of the opinion that it is better to allow individuals to work out rental problems in all communities, except those where there is an unusual congestion or an extraordinary feature such as governmental business, a limited area, an oil discovery or Muscle Shoals project, causing an unnatural inflation of prices.

Profiteering is a disease. It is remarkable that it is so hard to curb. It is amazing that so many otherwise honest men and women have caught the infection, but once get it in the blood and nothing but legislation, it seems, has the slightest effect upon it. It is a pity that it is so, since it creates an atmosphere which is destructive to harmony and the peaceful occupation of the home.

It certainly is well to bear in mind that the relationship which exists between landlord and tenant should be one of trust and confidence, and the problems relating to such relationship should be worked out with mutual good will and human kindness. It is a great pity to destroy this relationship by court action which immediately and invariably sets up an antagonism and an aggressive spirit on the part of both landlord and tenant which is anything but conducive to friendliness. The result is often devastating. The landlord heckles, abuses and, in every way imaginable, annoys the tenant; while in retaliation the tenant becomes disagreeable, unresponsive to even reasonable requests of the landlord, and sometimes wantonly destroys the property. Such, alas, is human nature!

A statement of how the law works in Washington may be not without interest. The rent commission is composed of five members. There is an engineer from Delaware, an ex-Congressman from South Carolina, a former real estate man and attorney from Maryland, a business man of Washington, D. C., and myself. We are hearing about 30 cases a day now in Washington with two rent courts, and we are trying very hard to catch up with our docket, which is some 900 to 1,000 cases behind.

When a tenant or a landlord believes that the rental upon a certain property is not just and reasonable, and prefers that the commission should fix a reasonable and proper rental upon it, they come down and petition the rent commission to do so. The commission then sends this request or petition to the other side, and gives ten days for an answer. It is then put upon the calendar for a public hearing. They are heard by one, two, three members, or perhaps by the whole commission of five members.

Usually the owner brings in a number of lawyers and experts. The tenant comes alone and unprotected, except by the commission. The party who made the complaint is put upon the stand first, as in any other legal procedure, and we get everything possible from him, and then the other side is heard, and we get everything we possibly can get from them.

We then inspect the property and attempt to fix a fair and reasonable value upon it, and then determine a fair rental out of that value. This value we usually fix by taking the factor and multiplying it by the cubic content which has been given to us by experts, usually employed, of course, by the owner. We find in that way the reconstruction value. We subtract from that a depreciation of 2 per cent on non-fireproof houses and 1½ per cent on fireproof houses for the life of the building.

Of course, a great many other elements have to be considered in each case. Each case stands on its own bottom. The fair value of the property to-day, and its last selling price, may not be a fair value at all—and the assessment is taken only as one of the elements to be considered, and is, of course, not conclusive.

When we have discovered the fair value, we give from 6 per cent to 10 per cent net return, after having carefully studied the statements given to us by the owner showing his annual expenditures.

These "expenditures" are often very amusing; they sometimes include gifts of cigars to policemen who watch the house, and sometimes even the funeral expenses of someone who formerly owned the house, put in in perfectly good faith. These statements we scrutinize very carefully and we try to separate the repairs from replacements, and we divide the replacement by the number of years of the life of that particular replacement. We attempt to find out exactly what that house costs; then we add to this the percentage of depreciation necessary on the true value of the house itself.

We used to have jurisdiction over the business properties of Washington, and when that jurisdiction was taken away from us the rents went up in business properties 300 per cent and 400 per cent right away. That shows what effect it had.

That is the way we try to fix rents; we do the best we can. We, of course, make mistakes, because it is human to make mistakes. It is really a court of human interest. It is most interesting to hear what the people have to say.

A good many colored lawyers appear before us, and some of them are very proud of the words they know, especially when there are any colored people in the room. One colored lawyer was talking about an apartment house, and there were a great many of the colored tenants there; and, of course, he wanted to use all the words he possibly could. He wanted to say, "What is a tenant?" and this is the way he said it, "Will you please tell this Honorable Commission just exactly what relationship exists between you and this edifice in question?"

Another time a colored tenant—who, by the way, had just returned from the war and was beautifully dressed, with a sort of French-line cut to his clothes, and was a very important person—was asked by the colored lawyer what was the fair and reasonable rent of the property. The lawyer for the other side, of course, objected, and said, "This witness is not qualified to state what the fair and reasonable rental would be." And the two lawyers got into a clash over it. The more angry these two lawyers became, the more excited the witness became, and he began to drop all the vestments of civilization. It seemed almost as if he became as if he were again in the jungles; I think if there had been a tree there he would have jumped into it. He was very angry, and finally when they did ask him what the fair and reasonable rental would be, he made it very low. It was a $50 property, and he said $15. The lawyer for the other side then said to him, "By just what mental process do you come to this conclusion?" And the darkey, who was terribly angry, shouted, "I didn't come to it by no mental process and don't you be insultin' me."

Much depends on the administration of the law. If rents are so lowered that money is not invited into housing investment, the community will suffer more and longer than it would with no price-fixing legislation—more, because the congestion will be greater; longer, because it will take a longer time to produce that supply which will make the natural economic law operate normally.

In the District of Columbia, where there has been a rent law for four years, reports show that building activity has been greater in that period than ever before in the history of the city. It is stated that these houses are not built to rent, but to sell. After all, the effect is the same; since occupation, whether as tenant or owner, of new houses relieves congestion elsewhere and makes rental property available. The National Association of Real Estate Boards in a recent report states that residential rentals are showing a stabilizing tendency—especially in cities of over 200,000 population—and also that rents are following the course of the cost of building; that the cost of building shows no perceptible decrease; and adds that, according to the most authentic index of living costs, rents are now twenty-five points higher than other commodities.

We had hoped in Washington that when building was resumed and the law of supply and demand operated properly once more, that there would no longer be any necessity for a rent commission; but the building program has been enormous, and the rent situation is still just as bad as it had ever been.

When we consider that the fundamental and inelastic item in the household budget is rent; that money for food, clothing, amusement and education is allocated out of the remainder, it is obvious that children will go to school hungry, cold and miserable; that some of them will starve; that families will go without the necessities of life; that thousands of people will suffer untold hardships, if relief is not found in legislation. Not only do individuals suffer but the public health and morals are affected. In Washington, where the work of the government depends on the state of mind and body of the government clerk, the business of the Nation suffers because of high rents. In proportion as the cost of shelter increases, the expenditure for food, clothing and other necessities decreases. Therefore, not only the tenant but the retail merchant is cheated by the landlord.

Rent legislation, having been declared constitutional by the highest tribunal of the United States, having been tried out successfully in many countries of the world, and conditions having shown conclusively that relief is necessary for the public welfare, health and morals of the country, rent legislation should be made permanent in all communities where there is any danger of congestion which would restrict natural competition, or where, from other causes, there is danger of inflation of prices.

THE FEDERAL GOVERNMENT AND THE CITIES

BY WILLIAM ANDERSON
University of Minnesota

The time has come in the United States for those interested in the progress of our institutions to consider the relations existing between the national and the municipal authorities. In countries like England and France the relationship is so direct and natural as to present a problem entirely different from that in this country. Here we have a federal system in which the powers of government are divided between the national authorities and the states. What is more, the division has been made on such lines as to leave all the important powers of direct control over cities in the hands of the states. Except in the District of Columbia and in the territories, the national government has, in theory at least, no control over municipal affairs. It cannot set up municipal corporations or destroy them, or make any alterations in their organization and powers. We have, instead of a single national system of municipal institutions, forty-eight state and several territorial systems.

Because of this constitutional situation, Americans have become habituated to thinking of the municipal and national governments not merely as revolving in distinct orbits in the same system, but almost as belonging in entirely separate systems. To use a more common figure, they are supposed to operate in separate, sealed, non-communicating compartments. The only trouble with this view is that it does not conform to the facts. There are few if any absolute separations in any system of government. Marginal overlappings and contacts are almost everywhere the rule. National, state, and local governments all exist for the promotion of the welfare of the American people. Their laws and ordinances apply to and are enforced against the same men and women. Each operates directly through, upon, and for the people. Each performs very much the same sort of work. Each exercises some police power and some taxing power. Each is interested in the defense, protection, health, convenience, morals, education, economic well-being, and progress of the individual. There is a division of labor, and a difference in emphasis, but each of the units of government,—national, state, and local,—is a part of one organized system, however defective that system may be. We are all "members one of another."

The national government no longer ignores the existence of the municipalities because it cannot afford to do so. The last census showed that over half of the American people live in incorporated places of 2,500 or more population. More recent calculations by the federal Department of Agriculture indicate a continuance of the rapid drift of population from the rural districts to the cities. Indeed, there is nothing in the present economic situation to encourage any hopes of a genuine "back to the farm" movement. The next federal census will probably show nearly 60 per cent of the American people living in cities. The wealth of the nation is already highly concentrated in the cities. The American of the future will be, not the farmer, but the city dweller.

Indeed, the federal government in its different branches has for many years taken some interest in municipal problems. We can say, also, that to-day this interest is increasing and becoming more helpful. At the same time the cities have the greatest interest in not a few of the federal departments and bureaus. A brief catalog of the more important contacts which exist between the national and local governments will serve to show the importance of their relationships.

THE FEDERAL JUDICIAL POWER

We may speak first of the national government as upholder and enforcer of the federal Constitution and laws. This function is primarily for the federal judiciary. Cases involving the validity of the ordinances of cities are constantly being brought into the federal courts. Many go up even to the Supreme Court, which is called upon to decide finally whether city-planning regulations, billboard ordinances, and innumerable other local police and taxation measures do not deprive the citizen of property without due process of law, or deny him the equal protection of the laws, or impair the obligation of contracts. The importance of this federal judicial check upon the activities of municipalities can hardly be overstated. It will not do to say that the states have complete control over municipal government when we know, as a matter of fact, that there are important federal restraints upon this power. These restraints may appear to be merely negative, yet they have a most important effect on the operations of city governments.

THE WAR POWER

The federal war power may be defined briefly as the power to raise and support armies and navies and to do all things necessary to the successful conduct of a war. In time of war, state and local powers of government must, to some extent at least, yield to the superior powers and necessities of the national government. It is hardly necessary to call attention to the fact that in the late war the federal authorities interfered most effectively, if not always directly, in municipal affairs. Municipal public improvements and municipal borrowing were kept down to the very minimum by the pressure of various federal commissions. In some instances federal military officers, in order to enforce the federal law prohibiting houses of prostitution and other evils within a certain distance of army and navy posts, are reported to have practically superseded the local authorities in the prosecution of such cases. When the urban street railways gave every sign of failing to meet local transportation needs in the chief munition and supply centers, a federal commission was organized to investigate and to report upon this distinctively local problem. Despite the stress of war, however, the federal government fully recognized the importance of municipal government. The draft act not only made temporary and possibly unauthorized use of municipal officials in connection with registration work, but it also permitted the draft exemption privilege to be extended to municipal officers.

THE COMMERCE POWER

The federal Constitution grants to Congress the power to regulate interstate and foreign commerce. Under this power the federal government has a very extensive control over all navigable rivers, waterways, and harbors. No important improvement in any such waters may be carried out by municipal authorities without federal approval. Not even a bridge may be constructed over such waters without the approval of the engineers of the war department and the passage of an act of Congress. Should a city desire to develop the water-power in any navigable stream, it has priority of claim over private corporations under the Federal Water Power Act, but it must receive the approval of the power commission, and in order to do this it must prove its ability to make proper utilization of all the power developed. The power of states, cities, and port authorities to regulate pilotage and navigation is strictly limited by the federal law. By express federal grant, city police officials have a limited jurisdiction over immigration stations. In its regulation of railroads, the federal government cannot help being interested in municipal terminal projects and in the still more expensive grade-separation work now being contemplated or carried on by some cities. Indeed, it would be difficult to mention all the different points at which the commerce activities of the federal government are of interest to cities, and vice versa. In this connection it would be interesting to know how the Hoover plan for stabilizing economic conditions by putting off public works in high-price years could be carried out without a very direct co-operation between the national and municipal authorities.

POLICE POWER AND PROHIBITION

The powers granted to the federal government may be used for all the public purposes. While it is true that the greater portion of the undefined police power is reserved to the states, and by them to a large extent delegated to the municipalities, the federal government may use its commerce power, postal power and other powers for police purposes; that is, to protect the health, morals, and safety of the people, and to promote their convenience. The federal government attempts within its sphere to prevent the social evil and the use of narcotics. Under the 18th Amendment, the federal government also attempts to prevent the manufacture and sale of liquor. In the field of public health, the federal government co-operates directly with state and local health boards in the enforcement of local quarantine regulations. It restrains the shipment of diseased cattle, and inspects the meat packed for interstate shipment. It enacts and enforces pure food laws. In all of these matters the state and municipal governments have a direct interest, since they also enact and enforce laws upon the same subjects and for identical purposes. The act of bootlegging may be an offense against federal law, state law, and municipal ordinance, all at the same time, or in other words it may be a three-fold offense though but a single act, and it may be thrice punishable. How absurd it is that there should be so much duplication! In any case, how much simpler it would be to work out some method of co-ordinated law enforcement, in which municipal authorities could somehow co-operate directly with federal authorities upon what are almost identical problems.

TAXING POWER

The federal taxing power is extensive, but not entirely unlimited. The federal government may not tax the instrumentalities of the states or their municipal subdivisions. The income tax law clearly recognizes the principle that the income from municipal bonds, and the salaries paid by municipalities to their officers, are not taxable by the federal government. Anyone who entertains the theory that the federal and municipal governments operate in separate compartments, without any influence upon each other, need only read some of the arguments for making the income of municipal bonds federally taxable to see how close the connection between them really is.

CONSERVATION AND PUBLIC DOMAIN

A number of cities now get their water supplies from waters arising within the national public domain. The national government's interest in reforestation projects has, up to this time, been limited in practice to reforestation within the public lands. As our timber supply rapidly diminishes, however, this interest must increase and be extended to the promotion of reforestation over still more extensive areas. The possibility of promoting municipal forest reserves to the same end has not been sufficiently exploited in this country, but the time for that will come also. There can be little doubt of the importance of federal as well as state irrigation and drainage projects to certain municipalities.

POSTAL AND MISCELLANEOUS POWERS

No person would deny the importance of the location and design of the central and branch post-offices in the development of the modern city plan. Other federal buildings need also to be considered in this connection. Sometimes a federal structure, such as the Custom House tower in Boston, completely changes the sky line of the city. Among the miscellaneous federal activities of direct importance to cities may be mentioned the regulation of elections. In some places federal and city elections occur on the same day. One of the most important recent exposures of corruption in elections in a city was brought out in the course of a federal investigation. The federal government may regulate weights and measures, and does so to some extent. State and city governments perform the same function, with the result that there is today a considerable diversity of practice. The bureau of standards is required by law to lend its assistance to state and municipal officials in this connection. The census bureau is similarly obliged to give statistical information to cities at cost, and its publications provide some of the most important sources of information concerning cities. There is also the federal law of bankruptcy, which forbids cities to become voluntary bankrupts.

FEDERAL EXPENDITURES FOR GENERAL WELFARE

The national Constitution provides that the Congress shall have power to lay and collect taxes in order to provide for the common defence and general welfare of the United States. This clause does not give Congress the power to legislate for the general welfare, but it does authorize expenditures for that purpose. Under this power the national government spends millions of dollars each year in promoting fisheries, mining, and agriculture and in bettering the condition of labor, of women, and of children. It would not be feasible to enumerate here all the important acts which fall under this head. It suffices to say that no single power of the national authorities holds out more promise of results to those who look forward to the development of a national policy of social melioration. Of direct interest to cities are the federal expenditures already being made for the promotion of public health, education, housing and zoning, child welfare, and improved marketing. Under this power and the power to provide post roads, the federal government is making "grants in aid" to the states for the building of better highways. There seems to be little reason why the federal government could not give similar aid to cities directly for the promotion of public services in which the national authorities are interested. Why, for example, could not the enforcement of prohibition be left very largely to the states and cities under a system of federal financial encouragement?

What is here suggested is the institution of a more direct and organic relationship between the national and municipal governments. That they already have a very real interest in each other's activities cannot be doubted. That they can be of the greatest mutual service to each other is also beyond cavil. In a haphazard, disorganized way they are already in contact with each other in the carrying on of many important services. What the federal government needs is to become more conscious of and better informed about municipal problems so that it can make greater use of municipal governments in the promotion of its own purposes. At the same time, cities stand greatly in need of the aid which only the national government can give. There is need of a national bureau for the collection and dissemination of accurate information concerning local government. In comparison with the national government, the average state is poor and small. It has inadequate sources of revenue. Its standards of civil administration are not high. It does not attract the ablest men. It is too often dominated by a rural point of view. Its area is relatively small, and there may be but one or two cities of any size within its limits. Under such conditions it is not to be expected that the average state will, for many years to come, do anything of very great significance toward the solution of municipal problems. Municipal home rule is not a constructive solution, but the evasion of a responsibility.

On the other hand, the national government has most of the things which the individual states do not. It can, if it will, study the workings of all cities. It has prestige. It has ample resources. It can provide a large staff of experts for the study of local problems. It can attract men of the highest order of ability. Because it lacks direct control over cities, it occupies a position of impartiality which is almost impregnable. Should there be set up by the federal government a bureau of local government, for the purpose of aiding cities in getting the information which they need for the solution of their problems, it could hardly be construed to be an attack upon state rights. The national government could not command, but merely encourage, the improvement of local conditions. It is already doing this without the slightest protest from the country. To organize this work more methodically would be little more than recognizing a fact which already exists.

The proposal here made is not, however, that there be immediate action. What we need first is to establish the fact that the problem of municipal government in the United States has grown too big for solution by the states alone. Just as we have a *National* Municipal League, instead of state leagues, so the *national* government must be called upon to co-operate and to assist in the solution of municipal problems. It is, indeed, already doing this to some extent, but not in any comprehensive, organized manner. What is needed first, then, is a careful study by some large organization of all the services now being rendered by the national government to the cities, and of the results which are being obtained. At the same time a survey should be made of the possibilities of municipal co-operation with the national authorities in various services. The study here suggested is more than a Ph.D. thesis on the subject. It must be one in which many persons participate. Following this study of the problem, or in connection with it, there should be a thorough discussion of the various possible reorganizations and shiftings of functions among the federal bureaus to bring about better service to the cities and better local co-operation with the national authorities. The sole aim should be to establish more fruitful relationships than now exist for the solution of the great national-municipal problems. Among the questions which would have to be answered would be the following:

Should there be a national municipal reference bureau with its headquarters and library at Washington?

Should there be a national bureau of local government for the rendering of direct services to cities?

Should there be, now or ultimately, a system of national grants in aid to cities for the promotion of better municipal government in connection with special functions of national interest?

It will be observed that the proposal here made links up with that made by Professor Merriam in his paper on "The Next Step in the Organization of Municipal Research," and with that made by Mr. Stephen Child in his paper on "A National Agency of Municipal Research." In a sense it goes beyond either and is different from both. In its ultimate implications it includes, yet goes beyond, the purposes of even the Tinkham bill, which would have established a federal bureau of housing, town planning, and living conditions. A national bureau of local government could serve as the national agency for publishing digests of city charters and ordinances, for getting out an annual volume of municipal statistics, and for similar purposes. With the aid of advisory committees representing the leading national municipal reform agencies and other interested groups and persons, it could prepare some highly useful special reports. It could call national conferences to deal with urgent problems as they came up. With both federal and municipal contacts, it could make itself eminently useful, both to Congress and to the municipalities. The thought is therefore presented to readers of the REVIEW for discussion and criticism.

OUR CITY COUNCILS

I. THE PHILADELPHIA CITY COUNCIL

BY HARRY A. BARTH
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This is the first of a series of articles on the general character, procedure and work of city councils. This article frankly presents a clear analysis of Philadelphia's council as organized under the charter of 1919 :: :: :: :: :: :: :: :: :: ::

PHILADELPHIA furnishes an admirable laboratory in which to study the single-house council as compared with the bicameral in city government. The new charter of Philadelphia which was adopted in 1919 provided for the substitution of a single council of about twenty[1] members in place of a select council of forty-eight and a common council of ninety-seven. Since 1919 sufficient time has elapsed to permit an evaluation of the new governmental machinery, while the change is sufficiently recent to permit most of those who are in a position to have opinions to remember clearly the old system.

Not all the innovations which most political scientists think proper in a city legislative body were placed in the charter. For example, no provision was made for representation of minorities. The changes, however, were sufficiently broad to make a very definite cleavage from the past.

The chief change, of course, lay in the abolition of the two-house legislative system and the creation of one small chamber. In addition, provision was made for payment of members. The compensation was made fairly large—five thousand dollars per year, to be exact. The term of office was decided upon at four years. Thus a small and compact body of men who were to be paid enough to permit them to devote a fair portion of their time to city business and who were to represent constituencies large enough to make the office one of importance was set up to carry on the legislative branch of Philadelphia's government.

THE NEW COMPARED WITH THE OLD SYSTEM

Probably no one would now go back to the old system. The writer has canvassed a representative group and there was universal agreement on this point. In fact, most of the theoretical advantages which were advanced in sponsoring the new charter are justified in practice. The unicameral house is actually a more efficient legislative machine. The inevitable friction which arises between two houses is naturally a thing of the past. Real discussion, if desired, can take place, because the number of members is no longer unwieldy. Meetings may be called more often, because there are fewer persons to be considered. The attendance is excellent; almost invariably every member is present. Apparently the salary is large enough to make attendance at meetings financially justifiable. Committees meet quite frequently and there are few absentees. The number of committees has been reduced and the scope of each enlarged. There are now twelve committees instead of twenty-seven, and all the committees with one exception are of real importance. The committee meetings are open to the public, and the work of the committees is of sufficient interest to invite spectators. Responsibility has been measurably concentrated. Anyone interested can determine how the councilmen stand on measures. The result is that ordinances and resolutions are passed rapidly and observers can watch their progress *en route* with remarkable precision. And furthermore there are many observers. The gallery is usually crowded with interested persons. Under the old system, the presence of more than two spectators was quite unusual.

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[1] The Council from 1923 to 1927 contains twenty members. These are elected in the eight senatorial districts which are included in Philadelphia, one member for each forty thousand eligible to vote. In 1919 prior to equal suffrage, the apportionment was one to twenty thousand. It was assumed that equal suffrage would just double the eligible voters, and the charter provided for doubling the quota if the Nineteenth Amendment were passed. As the number of women was not quite equal to the number of men, the number of councilmen was reduced from twenty-one to twenty in the new apportionment of 1923.

PRESENT COUNCIL PROCEDURE

The procedure is not quite what it should be, but it is nevertheless good. The rules provide that bills are to be introduced at meetings and at a definite place on the order of business. A roll call is actually held at every meeting for the introduction of bills. Each councilman stands at his name and hands his bills to a page who carries them to the president. The president reads the title of each and refers each to a definite committee. Up to this point the procedure is admirable, but here defects occur. A committee need not report on a bill unless it wishes to do so. Also, only bills favorably reported are printed. The "pickling" of bills is therefore quite common. Also, a committee may bring in a totally different bill. This defeats the object of the rule which provides for the introduction of bills at one fixed time. The fullest publicity is, therefore, not given all proposed measures.

Each committee brings in its reports at open meeting, and the president orders them printed after reading the titles. The next week the reported bills come up for final action. The titles of the bills which are to be passed upon are placed on a printed calendar which is laid before each member. The bills are placed in a loose leaf binder which is furnished each member. The calendar is really a guide to the binder, or "appendix," as it is called, and shows the exact location of a bill and the order in which it is to be acted upon. At a fixed place on the order of business, the chairman of each committee calls up his bills. Opportunity is given for debate, no attempt is apparently made to hurry action, and before a bill becomes law each section is agreed to, the title is approved, and the yeas and nays are taken *viva voce.* Little more could be hoped for. The entire action is in the open, and only the grossest negligence on the part of a minority member would permit the passage of a dishonest bill without the raising of a hue and cry.

A minority cannot hold up legislation in the council by filibustering. Debate is strictly limited. A member may not speak more than twice on the same bill or for longer than ten minutes each time without the approval of the council. The previous question may be invoked to halt discussion by a simple majority of the council.

MAYOR APPEARS IN COUNCIL

An admirable feature of the charter is that it provides that the mayor and the heads of departments have the right to appear before the council or any of the committees to express their views on matters in which they are interested. This is not a dead letter. Bills are frequently drafted by a department head who later defends them on the floor of the council and before the committee which considers it. Even the mayor on important occasions addresses the council on matters which he deems essential to the success of his administration. This practice permits real leadership in legislation by those whose duty it is to enforce it. Nor do the councilmen object to the practice as a usurpation of power. On occasion administrative measures are defeated, but this is due to other causes.

PRESIDENT OF THE COUNCIL

The president of the council is elected by a majority of the members elected to the body. The office of the president is one of considerable importance, and is eagerly sought for. The president appoints all committees and is *ex officio* a member of all of them. This power guarantees him very substantial authority. He recognizes speakers; he appoints all clerks and employees of the council with the exception of the clerk and the sergeant-at-arms who are elected; and he exercises a general direction of the chamber. The result of such broad powers, is that the president is in a position to exert real control over the organization.

Most of the work is done in committees. After a bill has been agreed to in committee, it passes with little more than perfunctory discussion in the council. The bills are drafted with the aid of the city law department and the draftsmanship is uniformly good.

DEFECTS OF THE PRESENT SYSTEM

Two defects exist in the present system, but opinion concerning them is by no means unanimous. First, a method seems necessary to prevent the burying of bills in committee and to secure more publicity for committee reports. Second, the adoption of the principle of minority representation to the council is essential.

The first defect could be remedied by requiring the printing of all bills and by requiring from the committees a report —favorable or unfavorable—on every bill submitted. It might also prove advisable to print a weekly progress chart, listing every bill and indicating its exact position in the legislative procedure.

A modification in the rules, in order to give proposed measures more publicity is now being drafted by the president of the council, and will undoubtedly be incorporated in the council's procedure. It provides that two weeks are to elapse between the committee report and final action on the bill. This period will give the department heads and other interested parties ample opportunity to examine all bills before passage. With the adoption of this rule, the main procedural defect will be eliminated.

WHAT P. R. WOULD DO

Proportional representation would give the Democrats and the independents a voice in the council. At the present time there are no Democrats in the council and there is only one independent. The lone independent narrowly escaped defeat in the election of 1923. There is therefore only one councilman who does not owe allegiance to the machine combine which now dominates the city government. The adoption of the principle of minority representation would probably give the Democrats at least three seats in the council and several to independents. At times, it might even permit control of the council by a union of Democrats and independents.

Certainly if proportional representation is needed anywhere, it is needed in Philadelphia. The Republican organization over a period of years is rock ribbed. The Democratic organization, probably because of the impossibility of ever securing control of more than a few county offices, is notoriously the tool of the Republican bosses. The independents fight a constant battle, but victories are hard to gain and territory conquered at one election is usually lost at the next. Proportional representation would mark a rejuvenation of the Democratic groups and would hearten the independent elements. On the political life of the city the effect would be quite salutary.

In spite of the defects just enumerated, from the viewpoint of the mechanics of government, the council of Philadelphia is unquestionably good. The council is not so large as to be inefficient. Routine legislation is passed with great dispatch. The procedure on the whole is clean cut, and, with the proposed change sponsored by the president, will be excellent. Further, responsibility is actually centralized and cannot be evaded. In the changes made in the legislative branch, the charter of 1919 has abundantly justified its sponsors.

GENERAL CHARACTER OF PRESENT MEMBERS

Nevertheless the charter of 1919 records a very tragic failure. It was hoped that with the creation of a one-house council, a higher type of citizen would seek office. This office would be more attractive in that a councilman would be paid a reasonable salary and in that he would represent a large constituency. With the concentration of responsibility, the voters would discriminate more carefully in determining who should go to the council. Men of broad view with a broad municipal policy were to succeed the small-calibre politicians who dominated the old councils, and were to map out scientific programs for municipal development.

It is difficult to note any real change in the type of men in the council. The average intelligence and ability may be somewhat higher, but the type is the same. The ward leader dominates. The Republican organization which determined the membership of the old councils determines the membership of the new. Unquestionably a few able men sit in the chamber but the average is quite low. The single independent is a man of considerable ability. Certain of the ward leaders are also men of ability. But with the exception of these, the councilmen are the ordinary products of the Philadelphia machine.

For the most part they are "yes" men for a small coterie of leaders. One of these leaders controls six votes, another eight, another two. Within the limits which a not too active public opinion prescribes, two or three men can determine the legislative policy of the city of Philadelphia.

Seven of the councilmen were members of either the old select or common council. One of the councilmen was clerk of the select council. Over one third of the members, therefore, carry over from the older legislative organizations. The president of the council is among these, as are several of the important leaders.

The occupations of the members give a clue to the dominant type. A leading member is an undertaker. Another is superintendent of a cemetery. Two are in the contracting business. One is in the cleaning and dyeing business, another in printing. Two are plumbers. One manufactures paper boxes, another hats. Three are employed by large firms in subordinate positions. Two were employed as clerks in the City Hall at the time of their election, one was a tipstaff. Two, one of these the independent, are lawyers. The rest apparently have no regular occupations other than their political one.

There is a striking absence of business leaders of the community. Even more striking is the absence of outstanding professional men. These types have simply not secured election to the council. Instead, the councilmen come from the lower middle class, —small business men, clerks, and the like. Certainly they do not spring from the *intelligentsia*, who are a negative quantity in the council.

It is difficult to assay the intelligence of the councilmen. The general impression secured from watching the council in action and from talking to observors who have followed Philadelphia politics is that the councilmen are rather dull. Some are undoubtedly shrewd, but shrewdness does not necessarily involve brilliance. They are good fellows, remember their friends and enemies, and treat them in the traditional manner. Most of them would fit perfectly into a grandstand baseball crowd.

Yet one could hardly say that they do not represent Philadelphia. They do not represent the Academy of Music group or the Rittenhouse Square element. They are not of the old families; —they hardly represent the aristocracy which makes up Philadelphia's social life. Though some of them are members of the Chamber of Commerce, they are on the whole of a different type from its members. They are not sufficiently successful in business to fit in well with an organization like the Rotary Club. They represent, however, remarkably well the average man in Philadelphia,—the tradesman, the skilled laborer, the clerk, the small business man. They are by no means sophisticated, though there may be certain exceptions. But Philadelphia is really not a sophisticated town.

LOCAL IMPROVEMENTS AND PUBLIC UTILITIES

A councilman is expected to secure local improvements for his ward. One councilman who was defeated in the last election said he had secured eight million dollars' worth of improvements for his district and suggested that under the circumstances his defeat was undeserved. The struggle for local improvements is quite keen. The members from the outlying districts demand sewers and those from the city districts, streets, and there is quite a battle between these groups. A councilman is also expected to get jobs for his friends, but the civil service has diminished the importance of this duty.

Just what relation exists between the council and the public utilities corporations cannot be determined by an outsider. There have been no exposés. The lease of the gas works comes up for renewal in the present administration and a more definite answer may be secured by watching the council when the matter is taken up. There are of course many rumors, but these cannot be traced to a definite source. Early this year (1924) an attempt was made to give the local transit company franchises for operating motor busses. These were to be granted free, and were to extend thirty-three years. Further the fare was set at ten cents. For a time it appeared that the bills would pass, as the mayor backed them vigorously. But due to a determined opposition on the part of the independent councilman and several organization men, the franchise bills were held up and now rest in committee.

Certainly the fact that a group of organization men was willing to oppose the administration in the matter of these leases indicates a hopeful state of affairs. Possibly it means that a new type of man is appearing in the organization,—a man who though of the organization is willing to exercise independent judgments in order to thwart measures which seem to be contrary to the best interests of the city.

A PRACTICAL TEST

One objective test of the present system is whether city problems are being better solved under it—whether the water tastes less of chemicals, whether the streets are better paved, whether the utilities give better service. Of course no method exists of applying the standard other than to test out the opinions of various persons who are in a position to know. Possibly things are better, but the improvement has not been sufficiently marked to cause a group of enthusiasts to rise and proclaim it. On the contrary the cynicism with which this question is received is appalling.

The Philadelphia council illustrates clearly the limitations of mechanical governmental reforms. The council as organized at present approaches the best practice. Yet the work of the Council is not strikingly better than it was in the past. Mechanical reforms are valuable in that they simplify procedure and prevent smoke screens and make dishonesty more difficult. But they do not force better men into office nor cause better and wiser decisions. More than mechanical reform is essential. A change in the type of men who govern is prerequisite to better government. Wiser government does not flow automatically from tinkering with governmental mechanism.

INVESTIGATIONS OF COUNTY ADMINISTRATION IN IOWA

BY I. L. POLLOCK

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COUNTY government in the United States has had a bad reputation ever since students of government and administration began to investigate its workings and to find out how it compared with other governmental agencies. Until recently, however, very little was known about this unit in our governmental scheme. Where investigations have been carried on there has been found a great deal to criticize and little to commend.

The American Academy of Political and Social Science, the National Short Ballot Association, and the American Political Science Association have all encouraged investigation in this region. Individuals, colleges, civic organizations of one sort or another have also been active. Due, however, to the fact that county government varies so widely from state to state, the good work done by these agencies is only a beginning. Only patches have been studied. New investigations, therefore, are to be welcomed. The most recent published record of an extensive study of county government is to be found in the report of the Joint Committee on Taxation and Retrenchment in New York on county and town government. This report throws much light on county government as it exists in the state of New York where the township-county system of local government prevails.

COUNTY INVESTIGATIONS IN IOWA

A more recent research project on an extensive scale has been under way in Iowa. About two years ago Professor Benjamin F. Shambaugh, head of the Department of Political Science at the State University and superintendent of the State Historical Society of Iowa, proposed that the research division of the Society make a comprehensive study of county government as it actually exists and functions in the state of Iowa. Plans were developed and a tentative outline formulated.

As the work progressed and new aspects of the problem were studied, the original plans were modified until, as finally worked out, the project took the form of two distinct lines of research. One is descriptive and includes a special study of each of the several county offices. The other is made up of studies in administration and consists of monographic studies.

A large amount of preparatory work had been done before these studies were undertaken. The researches were financed by the State Historical Society of Iowa and were carried out for the most part by members of the staff of the Political Science Department of the State University of Iowa. The work has been in progress during the past two years, much of it having been done during the summers. The studies have been practically completed and now await the results of the Special Session of the 40th General Assembly, which is now in session for the purpose of considering a new code. They will be published as Volume IV of the *Iowa Applied History Series* as soon as the revision that may be found necessary as a result of the action of the 40th General Assembly has been made.

COUNTY GOVERNMENT AS IT EXISTS IN IOWA

The studies have shown that on the whole county government as it exists in Iowa is fairly well adapted to the work it has to do and that for the most part the government is administered in a tolerably effective manner and with reasonable economy. The county-township system of local government prevails in Iowa with a decided tendency toward a decrease in the importance of the township. County government is of the commission type: that is, there is a small board of commissioners, called supervisors, of either three, five, or seven members. About two-thirds of the counties have boards of three members each, two have seven members and the remainder five. The members are elected in rotation and either at large or by district as the county itself determines, for terms of three years. In addition to the county board there are seven other elective county officers, namely, auditor, treasurer, recorder, attorney, sheriff, clerk and coroner. These officers are selected for two-year terms and, with the exception of the county attorney, they are all offices created by legislative process and not named in the constitution. The county superintendent of schools is selected by the presidents of the school corporations within the county, and the county highway engineer and the steward or manager of the county home are appointed or hired by the county board. There are no county courts. Iowa is divided into twenty-one judicial districts and, while it is required that the district court shall hold at least five sessions per year in each of the counties, the county government has no control over the courts.

The situation is comparatively free from difficult complications. Iowa is an agricultural state with many small cities and towns, but with few large centers. Seventy-three of the ninety-nine counties have a population of less than 25,000 each. Only seven counties have a population of more than 50,000 each.

The board of supervisors is the hub of county government in Iowa, and this board exercises tremendous power. The duties are largely executive and administrative. Within the limits fixed by law the supervisors raise and spend public money. They have full control of the county buildings, roads, bridges, and all other county property. They let contracts for supplies for all purposes; they determine the boundaries of townships and election precincts; they audit accounts and allow all bills of all county officers; they appoint some officials, including the county highway engineer, the steward of the county home, election judges, and inspectors for each precinct. They also confirm the nominations made by other county officers for deputies. Little can be done without the approval of the supervisors. They meet periodically for the transaction of business and in called or special meetings whenever necessary.

In a great majority of the counties the supervisors are intelligent men who know the people, conditions, and needs of their respective counties. A very large number of supervisors are successful farmers or retired farmers, who can devote a large amount of time and energy to county affairs. They believe in local self-government and have pretty definite ideas about the county. On the whole they are pretty well qualified for the work that they have to do.

The other officers are perhaps less well qualified. Under the elective system a county office is more or less of a blind alley offering no permanence of position and no advancement. But while the term of office is but two years, one re-election is general, and in a good many counties it is the custom to re-elect for many terms those county officers who have proven their worth. County officers are recruited largely from those who have served as deputies or as clerks. These conditions alleviate a bad situation, but they do not eliminate it and, with the increasing complexity of county government due to the extension of functions, the need for better qualified officers is becoming more pressing.

SOME PROGRESS IN COUNTY GOVERNMENT

A few important steps have been taken in Iowa toward the goal of good county government, and the ones that have been most instrumental in toning up the situation are: First, the complete elimination of the evil practice of compensation by fees and the substitution therefor of the salary basis of compensation. In the second place, the collection of taxes is handled very effectively. Iowa tax laws are archaic except in the manner provided for their collection. The county treasurer is the sole collector of taxes within the county. The tax list made out by the county auditor constitutes the treasurer's authority to demand taxes, and there is only one consolidated list. The county treasurer collects for the state, for the county, for the township, for cities and towns, as well as for all special taxing districts such as school corporations, drainage districts and the like, and makes payment to the respective units. Taxes are paid at the treasurer's office or at banks designated by the county board. This eliminates the confusion which is to be found in some states where each taxing authority collects its own taxes.

With regard to records and accounting practice the situation is fairly satisfactory. In 1913 the State Legislature established a County Accounting Division in the state auditor's office. A Division of Municipal Accounts had been established by law in 1906 and was operating successfully. The County Accounting Division makes an annual examination of the books of every county officer and it has the power, which it has exercised, to prescribe all official forms to be used by the several county officers and to install a uniform system of accounts. In case the examiners discover that funds have been illegally used the division reports the facts to the attorney-general of the state, who has authority to bring action against offending officials.

The County Accounting Division had many serious obstacles to overcome before much improvement could be noted. The counties had no system of accounting and the forms used in the same offices differed from county to county. Moreover, while it found the county officers to be a very decent class of men individually, it also found them handicapped by lack of knowledge and inclined to follow precedent. The division moved rather slowly in establishing a uniform system of accounts and forms. That is, it did not attempt to make a clean sweep and have every county start with a complete new set of books, but it started and kept going until, at the present time, its systems are installed and in operation in all of the counties of the state. Moreover, there is state-wide respect for the division among county officers as well as a conviction that the examinations constitute a safeguard to the individual officer as well as to the county.

The County Accounting Division has done a great deal toward bringing order out of confusion in county administration. The examiners or checkers, as they are usually called by county officers, give aid and advice as well as make examinations. They help newly elected officers to get an understanding of their new duties and have reduced very materially the losses formerly sustained by counties due to the ignorance of their officers. Standard forms and a uniform system of accounting make it possible to get at comparisons, and the results of the examinations themselves are published in understandable form.

Another factor which has resulted in much good has been the work of the state-wide association of county officers. The various county officers now have well-established organizations. They have an annual convention, all associations meeting at the same time and place, but in separate sections. In these meetings a community of interest is developed, methods of improving administration are discussed, special problems are studied. There are various standing committees the most important of which are those on legislation. The state is divided into districts, and district meetings are held from time to time. The associations are officered by the ablest and most energetic officers and have been conducive to improvement all along the line.

PROBLEMS IN COUNTY GOVERNMENT

While the researches showed that county government in Iowa is not as bad perhaps as it should be according to reputation, they did show that there are many problems to be solved and improvements to be made before county government can be expected to function satisfactorily. In considering the problems of county government the writer has had in mind primarily the conditions as they exist in Iowa, and has made only such suggestions as could be applied in that state. Within this limited field the outstanding problems of county government and administration may be reviewed under the following heads: organization, personnel, finance, taxation, law enforcement, charities and public welfare, and highways administration. These are also numbered among the problems of county government in other states.

ORGANIZATION AND PERSONNEL

Organization and personnel may be considered together to some advantage in this brief review. Considered solely from the standpoint of how best to secure efficient administration, several changes suggest themselves as desirable. There are too many co-ordinate elective officials and there is lacking adequate centralized supervision and direction within the county. The term of office is too short, merit is not rewarded, and the county office is a blind alley, leading nowhere. A reorganization reducing the number of elective county officials and safeguarded with a non-partisan state-wide civil service would greatly improve the chances for effective administration. Such a change could be brought about by legislative enactment. It would not be desirable, however, to centralize administration so far as to reduce the county to a mere administrative area and so eliminate self-government. The county board should be continued as an elective body and its power of direction and supervision over all county business should be extended.

Better results could undoubtedly be obtained if those elective officers who have only administrative functions were to be made appointive under proper regulation as to qualifications, but it will be very difficult to get away from the elective system for the selection of the principals. The belief that the present system of election works fairly well in spite of the possibilities for evil is deeply grounded and officials will probably continue to be elected by voters who have practically no knowledge of the requirements of the office to be filled. The deputies and other employees are hardly numerous enough to justify the establishment of a civil service board or commission in the average Iowa county, but they might well be selected under a state-wide civil service commission. There is, however, practically no sentiment in favor of such a proposal in the state. Some improvement might be made if the state law were to specify qualifications for all the county officers as it now does for the county attorney. This suggestion is recognized as a half-way measure, but the writer is of the opinion that a radical reorganization is not probable for some time to come. Under the present system honest men and women of average intelligence and ability are selected, but a good deal of time and energy is consumed by newly elected officials in learning the business they have been selected to administer. Naturally, some few are elected who never do learn how to administer their office efficiently. Deputies and clerks are selected for the most part because of their ability.

Comparatively minor changes having some chance of adoption could be made which would improve the administration a great deal. The allocation of functions among the county offices is faulty and could be remedied easily. The issue of licenses should be centralized in one office. A county assessor should be provided and the tax functions now allocated to the auditor's office should be transferred to the county assessor. If this were done the county recorder's office could be abolished and his functions transferred to the auditor's office. The coroner's office might well be abolished and the functions of the office transferred to the office of county attorney, and the county attorney be given authority to employ medical advice and aid as needed. And, finally, a county budget might well be established. These few changes would go far toward providing a county organization well fitted to the work to be done.

TAXATION AND FINANCE

In connection with taxation fundamental defects in the state tax system as a whole must be remedied before effective administration can even be expected. The state tax laws are not drawn so as to meet present-day conditions adequately. The chief reliance is still placed on the general property tax for both state and local revenues, no attempt being made to separate the sources of revenue for state and local purposes, and the administrative scheme is such as to make effective administration impossible. The proper listing or assessing of property is absolutely essential to the effective administration of the general property tax. But in Iowa this function, with the exception of the holdings of certain state-wide public utility concerns, is still left to elective township and municipal officers over whom is placed no adequate supervision either county or state. Assessing property for taxation has come to demand not only integrity and common sense but also a high degree of skill and knowledge. These the present system are incapable of supplying.

Within the county itself there are several badly handled aspects of finance administration. The authorization of the expenditure of public funds is a legislative function which should be based upon accurate information, both as to the needs for which the appropriation is being made and as to the wisdom of making such appropriation under existing conditions. Every authority with power to appropriate public money should have the information necessary to enable it to plan and carry out a policy with understanding. Under the present county accounting system each county has a proper system of accounts and can secure accurate statistics regarding the administration of the various county offices. But there is little attempt on the part of counties to develop a scientific budgetary procedure. The board of supervisors makes the tax levy at its regular September meeting after the several steps involved in assessment and review and equalization have been taken by the proper authorities and the taxable value of the various kinds and classes of property have been finally determined. It is not customary for the board to have a carefully worked-out plan before it upon which is shown the proposed expenditures for the county for the ensuing year by funds and supported by an itemization of each fund's proposal or estimate. The board does have a comparative statement of the levies and expenditures of the several funds for several years past and including the current year. It knows what the state limits on the levy for each fund is. It knows which funds are running behind and which ones have a balance, and it knows pretty well the attitude of the people of the county toward the tax rates. In determining levies, then, the county board is guided pretty largely by the levies for the years just passed and the attitude of the people of the county. No serious effort is made to estimate necessary expenditures before they have been incurred. Instead of maintaining a system of control at the purchasing end, that is, at the time the liabilities are incurred, they attempt to control the expenses by a process of inspection of the bills rendered for goods or services which have been already incurred.

As regards the road and bridge work carried out under the direction of the board of supervisors, plans are drawn and estimates are made on a careful basis. The board of supervisors knows pretty definitely at the beginning of a year what is to be done and what it will cost. Estimates are made and submitted by the county highway engineer. The board determines where and when construction is to be carried on on the roads under its jurisdiction. Contracts for the purchase of road and bridge material as well as for road work and bridge construction must be approved by the State Highway Commission. Proposed bond issues for the construction of public buildings must be submitted to a referendum vote of the electorate.

For the purchase of ordinary supplies there is no uniform system followed in the state. In a few of the more populous counties a purchasing agent is employed to do the buying for all the county needs; in other counties there is a purchasing committee usually composed of the chairman of the board and the county auditor. In many counties, however, it is the practice to permit the several county officers to buy their own supplies and to render bills to the county for payment.

The steadily mounting indebtedness of counties has come to be regarded as a serious problem in Iowa, as in many other states. On January 1, 1918, the total indebtedness of Iowa counties was $23,696,708. Five years later, that is, on January 1, 1923, this indebtedness had grown to $62,019,153—more than two and one-half times what it had been on January 1, 1918. There are constitutional and statutory provisions which limit the amount and the manner of incurring public indebtedness, but the amount of actual indebtedness has been mounting so rapidly that some counties have borrowed up to the legal maximum.

This whole situation could be greatly improved were the State Legislature to accept the recommendations of the Joint Legislative Committee on Taxation of the Thirty-ninth General Assembly as submitted to the Fortieth General Assembly in January 1923. This committee recommended: (1) the establishment of a state board of assessment and review with powers similar to the State Board of Tax Commissioners of Indiana; (2) the appointment of a county assessor in each county to assume all duties relating to taxation now required of the county auditor and local assessors; (3) the assessment of all property at full value, providing adequate safeguards against increase in the tax burden; (4) the establishment of a county board of review consisting of the county board of supervisors, the county auditor and the county assessor, with authority to equalize assessment of individual's property or classes of property, with the right of hearing and appeal by the taxpayer; (5) the abolition of the county recorder's office and the transfer of his duties to the county auditor.

CONCLUSION

As regards county government in Iowa the present system, as far as organization is concerned, is perhaps as well adapted to conditions as any system that could be devised. The way must be kept open for improvements, however, and the improvements must continue to be adopted as need demands. The last few years have marked several important improvements, and others are in process of gaining recognition. The county government in Iowa is administered effectively and with reasonable economy. The administration is especially effective in the collection of taxes. The record system is good, and on the whole the accounting practice is satisfactory. County officers are honest, and as far as the board members are concerned are fairly well qualified to do the work they are called upon to perform.

The outstanding problems of county government and administration have to do with securing an improved personnel to carry on the purely administrative functions; the systematizing of finance administration; the revision of the state tax system; and better enforcement of law. Finally, since the county is an agent of the state and can do only those things which it is especially authorized to do, county government and administration can be improved in a large way only through state action in providing adequate and workable laws as a basis.

OUR LEGISLATIVE MILLS

NEW HAMPSHIRE—THE STATE WITH THE LARGEST LEGISLATIVE BODY

BY NORMAN ALEXANDER
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The present Constitution of New Hampshire was adopted in 1784. In minor details, the organic law of this state has been altered, but the essentials of this instrument remain unchanged. Our form of government, therefore, was inspired by ancient political theories, adapted to conditions, now obsolete. The consequences are detrimental to the welfare of the state. The State Senate becomes the citadel of the property interests. The House of Representatives finds its efficiency impaired. The governor is restricted by a council. The will of the majority awaits the will of the minority. These conclusions will be justified as I proceed to analyze the basis of representation, the composition, the committee system, the lobby, the governor and council, the system of checks and balances of the New Hampshire legislative department. Finally, the effects of these features of New Hampshire government upon partisanship and accomplishments will be considered.

BASIS OF REPRESENTATION

The legislature is designated in the Constitution as the General Court. It is composed of the Senate, and the House of Representatives. Representation in the State Senate was, by the constitution of 1784 apportioned into districts on the basis of the proportion of direct taxes paid. Originally, there were twelve Senatorial Districts, but in 1877 the state was divided into twenty-four districts. The basis of representation, however, was not changed. The effect of this provision coupled with the gerrymandering of districts is to give to the property-holding class greater weight in the election of members to the State Senate, inasmuch as a district with one twenty-fourth of the wealth of the state will have one senator regardless of the population of that district.

A few facts will reveal the injustice of the plan. The census of 1920 indicates that District No. 1 composed of Coös County, has a population of 36,093. On the other hand, Senatorial District No. 16, containing wards one and two of the city of Manchester, has a population of 8,924. Yet, each of these districts has one senator. Senatorial District No. 18, composed of wards five, six, eight, nine and ten of the city of Manchester, has a population of 33,640. Likewise, it has one senator. In the last election, the Democratic candidates for the State Senate received 5,000 more votes than their Republican opponents. A poll of the State Senate disclosed eight Democrats, and sixteen Republicans. In theory, this basis of representation cannot be supported. In practice, it defeats the will of the people, and tends to make property the master of a people's fate.

The system of representation in the House of Representatives is in some respects similiar to the "Rotten Borough" system. The theory is that each town or parish should be represented. At one time, the little town of Gosport had the right to send a representative though it only cast twelve votes. Evils of this nature lead to a constitutional amendment. This amendment which was approved by the people in 1889 took from the legislature this discretionary power to grant a representative to any town, or village.

At the present time "every town, or place entitled to town privileges, and wards of cities having 600 inhabitants . . . may elect one representative; if 1,800 such inhabitants, may elect two representatives; and so proceeding in that proportion". . . . Whenever any town shall have less than 600 inhabitants, it is entitled to representation such proportionate part of the time as the number of its inhabitants shall bear to 600. This apportionment represents no material departure from the ratio as adopted in 1784. The effect of this system is to give the small towns an influence in legislation out of proportion to their population. At the same time, a large legislative body is the inevitable consequence.

COMPOSITION OF THE GENERAL COURT

The members of the General Court are elected for a term of two years. All members "seasonably attending and not departing without license" shall receive for the term elected the sum of $200 exclusive of mileage. In the event that a special session shall be called, "an additional compensation of three dollars per day for a period not exceeding fifteen days and the usual mileage shall be paid."

The State Senate has a membership of twenty-four. As previously stated, the Senate in the 1923 session was Republican by sixteen to eight. The Senate is the more conservative branch of the General Court. The Democratic governor of this state has said "that it is easier to drive a camel through a needle's eye than to put through the State Senate any bill opposed by the Amoskeag Manufacturing Company." Regardless of one's views as to the above statement, the Journal of the Senate does disclose that the Senate rejected the House bill providing for a forty-eight-hour week for women, and children employed in factories. When the minimum wage law was before that body, it disposed of the measure with the report that it was "inexpedient to legislate." The pecuniary interest of the manufacturing industry in this legislation is apparent.

Rotation in office seems to be the order in the Senate. In the last session but one member had served a previous term. Twelve of the members had served in the House of Representatives. Eleven members had had no legislative experience.

Turning to a consideration of the House of Representatives we find here the largest state legislative body in the United States. Composed of 418 members in the last session, the House presents many of the characteristics of a New England town meeting. Persons from all walks of life mingle there on a common plane, and frame the laws of the state. There side by side may be found the farmer and the manufacturer; the cobbler and former governors; the laborer and the ex-congressman. The qualifications of no one seem poor enough to exclude the aspirant from a seat in the House. The qualifications of no one are too excellent to make the contender feel other than that membership in the House offers a field for public service. There are introduced bills designed to promote social justice. There the zealous reformer introduces a bill requiring every person to sleep at least eight hours a day.

Continuous public service is not the goal sought. The office is "passed around." In the last session, three fourths of the membership had not served in any previous session. Many of these, however, had taken part in local politics. A little over one sixth of the membership had served one term. The remaining members brought to the office political experience of two to seven terms in the House. The real work of the session is done by fifteen, or twenty men who, because of native ability, industry and experience are eminently qualified.

This large and democratic character of the House membership has one advantage. The system of rotation in office gives several members of a community a certain training in the public service. Through these persons the people of a town may receive direct information as to legislation and, thereby, become more conversant with public affairs. This educative influence cannot be overlooked.

But the evils more than offset the benefits. A large legislative group places upon the state an unnecessary financial burden. Not only is most of this expenditure barren of any returns to the state, but it actually impedes legislation. Efficiency in the despatch of legislative business is impaired. Most of the members do no constructive work. They delay legislation. But for the influence, and power of a few able legislators, the legislative machinery would be clogged. It's a case of "too many cooks spoiling the broth."

The shortcomings have been recognized by various constitutional conventions. As early as 1791 a constitutional convention approved an amendment limiting the House membership to sixty, but it was defeated by the people. Again, in 1876, the constitutional convention then assembled voted unanimously for a reduction of numbers, but no material progress was made. The small towns feared that any program of reduction would leave them without a representative. Any practicable measure of reform must meet this objection. Such a proposal is here ventured.

An amendment should be drawn up authorizing the General Court to divide the state into districts. The minimum, and the maximum number of districts should be specified. The number of representatives should be substantially reduced. To insure to all towns a resident representative at some time, the amendment should provide for the election of a representative in rotation from each town. Three towns now have one representative each. Suppose that the constitutional convention elects to reduce the membership to one third of its present size. This would mean the combining of the three towns into one district. Each town would be represented by one of its qualified electors every third session of the General Court. A town under this plan would exert the same if not greater weight in legislation, though it would be concentrated in one session instead of being distributed over three sessions, when this influence becomes ineffective because of the large legislative body.

Such a provision does not violate the Federal Constitution. The plan does not in any way abridge the republican form of government guaranteed by that instrument. It is within the province of the state to determine the qualifications of its legislators. The proposal would reduce the size of the House. It would increase its efficiency. It would insure representatives of higher qualifications. The towns would vie with each other to send to the General Court representatives who would be a credit to the entire district. The plan is a step forward toward a more efficient government.

THE COMMITTEE SYSTEM AND PROCEDURE

The procedure by which a bill becomes a law in this state follows in the main the methods pursued elsewhere. Only those features of legislative procedure which are peculiar to this state will be emphasized. Provision is made for the disseminating of information as to prospective legislation. After the second reading of the bill, it is printed in the Journal. If the bill is of sufficient importance, additional copies are usually printed and placed at the disposal of interested parties. This provision is a very helpful device in giving exact information as to the bills which are pending.

The rule pertaining to a quorum in this state is a very unusual one. Under Article 19 of the Constitution, it is provided that a majority of the members of the House shall be a quorum for doing business. Whenever less than two thirds of the representatives elected shall be present, the assent of two thirds of those present must be obtained. On routine matters the point of no quorum is rarely raised. But on all important matters before the House this rule is generally enforced. In order that a majority may control, therefore, it is necessary that two thirds of the membership be present. Or, if there is less than two thirds present, a two-thirds vote is required to pass a measure.

Much of the work of the session is intrusted to committees. In the Senate there are twenty-four committees. Each of the twenty-four senators is a member of four or five committees. A senator is usually chairman of one committee. In the House, there are thirty-five committees. Most of these committees have a membership of from fifteen to twenty. There are also four joint committees dealing with engrossed bills, State Library, State House and State House yards, and joint rules.

The committees hold hearings in designated places where persons interested in proposed legislation may present their arguments. Over one half of the bills introduced are killed in the committee sessions. As to bills which are introduced to carry out campaign pledges, the committee tends to divide on party lines. As to other bills, party lines are as a rule not drawn. On any important measure, a majority and a minority report are filed.

Of what weight is a favorable report in insuring the passage of a bill? To this question a positive answer cannot be given. Usually, a unanimous vote of the committee assures the enactment of the bill into law. In case of a divided vote in committee, the minority report is frequently substituted for the majority. The confidence reposed in a committee depends upon the ability of the members. A committee by constant application to its duties may earn a reputation for thoroughness which will give to the report of that committee great weight. On the other hand, a committee by inefficient work may loose confidence. The committee system in New Hampshire is a helpful and necessary device of accelerating legislation. Ample opportunity is afforded for the amendment, substitution or rejection of the report as presented.

THE LOBBY

The various committees in passing upon the bills referred to them hold hearing on all important bills. Here agents or representatives of the interests effected may present arguments for or against the proposed measure. All lobbyists are required by law to register with the secretary of state. At the close of the session, they must file with the secretary of state a statement of the fees received. Frequently interests select as their representatives before the committees men with some personal or political influence among the membership.

The lobby operates publicly and privately. The most effective work of the lobbyists is done before the committees. Outside of the committee rooms the lobbyists confer with members, and seek thereby to influence their course of action. Occasionally enterprising lobbyists take a poll of the members.

It is very difficult to determine the precise influence wielded by the lobby in shaping legislation. The work of a lobby is partly, at least, nullified by the work of the opposing lobby. It is safe to say, however, that the influence of the lobby is very great. For example, the bartering away by the state of valuable water power sites to foreign corporations shows the lobby exerting a most pernicious influence. The lobby is an important factor in the legislative process.

THE GOVERNOR AND COUNCIL

In addition to the Senate and House of Representatives, the committees and the lobby, there remains a consideration of the power of the governor and council in shaping legislation. The governor has the power of veto, and to pass a bill over his veto a two-thirds vote of the House and Senate is necessary. A large part of the powers intrusted to the governor is shared by the council.

The council was established in 1784 at a period when the experiences with royal governors were fresh in the minds of the people. This distrust of centralized power led to the adoption of the governor's council. Article 46 provides that "the governor and council shall have a negative on each other, both in the nominations and appointments." Article 49 further provides that the governor, with advice of council, shall have full power and authority in the recess of the General Court to prorogue the same from time to time." The state is divided into five councillor districts, and one councillor is elected from each district. The present council consists of four Republicans and one Democrat.

The power intrusted to the council tends away from responsibility and efficiency in the administration of state affairs. Especially is this true when the majority of the members of the council and the governor are of different political faiths as is now the case. The General Court may authorize the appointment of commissions to carry out a certain policy supported by the governor. The council, however, by rejecting the governor's appointees may defeat the governor's plan, or force the appointment of men friendly to the council. If the governor believes that a special session of the General Court is necessary his decision awaits the approval of the council. This joint responsibility enables the governor and council to dodge responsibility. It further hampers the execution of legislative policies. It contravenes the policy of centralization with responsibility. The recognition of this fact has prompted all states save New Hampshire and Massachusetts to discard the governor's council.

THE SYSTEM OF CHECKS AND BALANCES

It is extremely doubtful if any state in the union presents a more elaborate system of checks and balances than New Hampshire. As in the case of the governor's council, the reason for this situation is largely historic. At the time the Constitution of this state was adopted in 1784, the people feared the possible concentration of power in the hands of a few persons. To preclude such a possibility the framers of the New Hampshire Constitution placed a series of checks upon the law makers and the law-making process.

The operation of the machinery of legislation furnishes evidence of the system of checks and balances. Representation in the State Senate upon the basis of property gives to the property interests an undue weight in checking legislation. The governor in the exercise of his powers is checked by a council.

Provisions in the Constitution of the state further act as a check upon the General Court. One of the most important problems facing any legislative group is that of taxation. In Article 5 of the state Constitution, it is provided that the General Court shall have power to "impose and levy proportional and reasonable assessments, rates and taxes upon all the inhabitants of, and residents within, the said state." The word "proportional" as interpreted by the courts requires that a like amount of property should be assessed the same tax. This construction renders impossible a graduate income, and makes doubtful the validity of a graduated inheritance tax. This constitutional provision limits effective tax legislation.

The Constitution itself can only be changed by a two-thirds vote of the people. This stringent requirement makes amendments difficult. From 1791 to 1851, the Constitution was unchanged. No State Constitution in this country can equal this record of sixty years with no amendments. This requirement of a two-third vote serves to prevent the expansion of legislative power into fields where time, and experience have proved such expansion to be for the betterment of the state. New Hampshire suffers more from inaction than from action. The reason lies partly in the elaborate system of checks and balances.

PARTISANSHIP

In a government where the system of checks and balances is so strongly intrenched, one might think that the protection accorded the minority would somewhat relieve the political tension. Experience, however, does not justify this conclusion. The numerous restrictions imposed upon the popular majority enables it to place the responsibility for the defeat of certain measures upon an obdurate minority.

Normally, New Hampshire is Republican in all branches of the state government. Under such circumstances, partisanship plays a small part in legislation. The 1922 election interrupted this period of "normalcy."

A Democratic governor with a Republican council was elected. The House of Representatives went Democratic by 226 to 190. The complexion of the State Senate was Republican. These facts made the 1923 session of the General Court one marked with partisan moves by both parties in order to obtain a vantage position in the coming election when a president and a United States senator are to be chosen.

Partisanship in the recent session is best illustrated by the paramount issue of the 1922 election—the forty-eight-hour week for women and children. The Democrats declared for this legislation. The Republican party, including in its membership in this state large property holders, was in a much more difficult position. If the Republicans came out definitely against the bill the party would be branded as a party of the property interests. To escape this stigma, they came out for a commission to study the practicability of a forty-eight hour week.

The Republicans did more. They urged that the bill did not apply to the farmers, thereby appealing to the rural vote. Some of the leaders came out for a national forty-eight-hour week, though it is well known that such legislation is impossible under the present federal Constitution. After the bill had passed the House and was presented to the Senate, the Democrats immediately moved the consideration of the bill with the view of placing the Republicans in a position of rejecting the bill without consideration. The Republicans defeated this move, and the bill was referred to the appropriate committee. Thus the bill on which the election was fought met defeat at the hands of the Republican Senate. Other important legislation, such as home rule for the cities in the state and the minimum wage law, met a similiar fate.

ACCOMPLISHMENTS

The achievements of the 1923 session of the General Court were largely unimportant due to partisan influence. The following table shows the number of bills introduced and laws passed:

	Introduced	*Passed*
House bills	409	168
House joint resolutions	71	40
Senate bills	41	24
Senate joint resolutions	6	1
Total	527	233

Of the number of bills passed, sixty-four were classified as private laws, though many of these were of a semi-public nature.

The most important measures passed during the 1923 session dealt with the subject of taxation. The aims of these measures were to decrease the state tax, and to provide a more equitable system of taxation. Neither party could well oppose these measures without loosing popular confidence.

To reduce the direct state tax a gasoline tax was levied at the rate of one cent per gallon between July 1, 1923, and January 1, 1924. Thereafter a two-cent rate was to be placed upon each gallon. This tax is collected by each dealer.

To encourage the growth of timber lands, a more liberal system of taxation as to timber lands was evolved. Under the tax provisions of the Constitution as interpreted by the courts, timber lands must either be exempt from taxation or be taxed at their full value. The former plan would mean that a large property would be removed from the tax lists. The latter plan would compel the confiscation of much timber land. The General Court resorted to a practical expedient. Each owner of forest land was given the opportunity of placing fifty acres on the classified forest land list. On such land taxes shall not include the value of forest trees growing thereon. When such classified forest land contains an average of 25,000 board feet of timber per acre, the land is to be placed on the general property list and taxed on the basis of its full value. This plan encourages the growth of timber lands, and at the same time requires such land to pay its just share of taxation whenever the returns make it possible.

To insure a greater return from the taxation of intangibles, the General Court pursued a wise policy. In 1922 the state derived from the taxation of intangibles, the sum of $300,000. This plainly indicates that the tax was evaded. This law with its high tax rate on intangibles was repealed. In its place, there was enacted a law taxing the incomes from intangibles at the rate paid by other property. A graduated income tax was not possible, due to the constitutional requirement of proportional taxes. This plainly violates the principle of ability to pay. Nevertheless, the General Court did reduce the state tax, and by July 1 in the judgment of the governor, New Hampshire will be without any net debt.

In conclusion it may be said that in its capacity for public usefulness the General Court is limited by provisions in the organic law which impede constructive legislation and create a system of government that is not representative. Many people in the state are alert to these conditions, and persistent efforts have been and are made to secure amendments designed to remedy the existing limitations and injustices. Up to date these efforts have proved futile. Whenever the controlling interests of this state see the welfare of this state steadily, and see it whole, the future will contain for New Hampshire a greater measure of political and economic justice.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, OF NATIONAL MUNICIPAL REVIEW, PUBLISHED MONTHLY AT CONCORD, NEW HAMPSHIRE, FOR APRIL 1, 1924.

STATE OF NEW YORK,
COUNTY OF NEW YORK, ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Grace R. Howe, who, having been duly sworn according to law, deposes and says that she is the business manager of the NATIONAL MUNICIPAL REVIEW and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are: Publisher, National Municipal League, 261 Broadway, New York. Editor, H. W. Dodds. Managing Editor, None. Business Manager, Grace R. Howe.
2. That the owner is: The NATIONAL MUNICIPAL REVIEW is published by the National Municipal League, a voluntary association, incorporated 1923. The officers of the National Municipal League are Frank L. Polk, President; Carl H. Pforzheimer, Treasurer; H. W. Dodds, Secretary.
3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.
4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by her.

GRACE R. HOWE, *Business Manager.*

Sworn to and subscribed before me this 4th day of April, 1924.

F. GEORGE BARRY, *Notary Public.*

[SEAL.]
(My commission expires Mar. 30, 1925.)

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY W. A. BASSETT

Disastrous Fire in State Hospital for the Insane.—Public indifference concerning the safety of the inmates of state institutions and what would appear to be a most amazing ignorance on the part of certain public officials responsible for the care of these wards of society, in respect to hazardous conditions existing in those institutions, were disclosed following the disastrous fire in the Illinois State Hospital for the Insane at Dunning, Illinois, which occurred on December 26, 1923, and resulted in the death of fifteen inmates and three others. The past history of this institution, concerning which there is the following comment in the January, 1924 issue of the *National Fire Protection Association Quarterly*, is interesting and significant:

> In 1912 the superintendent had called attention to the serious conditions then existing. On August 23, 1911, one of the buildings had been destroyed by fire. On January 17, 1912, another building burned to the ground. This building, built in 1870, had been condemned in 1908, but was forced back into use without remodeling because of overcrowded conditions. On May 4, 1914, another building was burned. On October 16, 1916, two barns on the grounds were destroyed by fire. On December 11, 1918, the tuberculosis ward, with 400 patients inside, took fire. The patients were rescued with great difficulty. After this fire the ward was rebuilt the same as before.

Apparently these previous warnings had little effect, as no loss of life had occurred. Now that the inevitable has happened, the usual wave of public indignation and the "startling revelation" that other asylums and institutions in the state are in similar or worse condition has followed. It is too soon to report the conclusions of the many investigating committees that are seeking to place the blame for this holocaust. In the last analysis the real blame lies on the indifference of the public generally toward the safety of the helpless. The institutional holocaust is not a new horror previously unknown. It is an old story. During the past year the Wards Island Asylum fire in New York with its toll of 27 lives, the Allegheny County Almshouse fire near Buffalo in which nine inmates were burned to death, and now the Dunning disaster, have been added to the gruesome record.

It would seem that the officials responsible for the safety of these unfortunates could not claim ignorance of the danger, in the face of these fatal fires which recur again and again. Yet the president of the State Board of Public Welfare, after a "thorough investigation" of the circumstances of this fire, is reported to have issued a statement which read in part as follows:

> Preliminary investigation reveals the following: That the loss of life among the patients occurred entirely in the dining hall, a one-story building, with three big doors opening to the ground level and with large unbarred and unobstructed windows extending all around. This structure was one of a group of buildings isolated from the main structure of the institution. This building, as were others in isolated groups, was fully equipped with water mains and with fire extinguishers. There was no hazard from heat. All wiring was in conduit. The building apparently presented a maximum degree of safety.

Following the Wards Island disaster in New York City, belated action was taken by the state in authorizing a substantial bond issue to provide funds for construction needed to avoid a recurrence of that holocaust. It is to be hoped that prompt and effective action will likewise be taken by the state of Illinois to remedy conditions in that state. There is a warning to other communities in the experience of New York State and Illinois that should receive the serious attention of both the government officials and the public.

*

Another Demonstration of the Practical Value of Engineering Research.—The practical value of engineering research in the determination of design requirements for public improvements has once more been demonstrated by the results obtained from the Bates Road Tests. The latter were conducted under the direction of Mr. Clifford Older, chief highway engineer of Illinois, on a section of road two miles long located in Cook County, Illinois. The road comprised 67 different kinds of pavement design. Completed during June, 1921, from that time up to the latter part of 1922, it was subjected to a traffic endurance test from progressively increasing truck loads up to about 50 per cent in excess of the wheel loads permitted under the Illinois statutes. The methods employed in conducting these tests and the results obtained have been discussed both in the technical press, notably in the *Engineering News-Record* of August 18, 1921, and January 11, 1923, and at various road conferences, so further comment concerning these matters will not be made in this publication. It is, however, desired to call attention to the reasons which brought about this extended study of road behavior and also certain of the outstanding conclusions which can be made from the results obtained.

With respect to the former, the authorization of a $60,000,000 road bond issue, voted by the people of Illinois in November, 1918, together with federal aid appropriations and other funds, made available approximately $100,000,000 for road improvement at the beginning of 1920. According to Mr. Older, in 1919 heavy truck traffic caused the partial destruction of a well-built concrete road in Cook County, Illinois. This failure of what was assumed to be a properly designed road section caused the state officials of Illinois a certain amount of concern as to what types of design would be suitable to use in the expenditure of the very large sum of money appropriated for road purposes. Naturally, it was desired to undertake extensive road improvement at as early a date as possible. A review of the research work necessary to supply conclusive data on which a rational pavement design for rural highways might be based was first made. As a means of obtaining in a relatively short time a fund of empirical data of this character, Mr. S. E. Bradt, state superintendent of highways, proposed that a test road be built in which should be included all commonly accepted types of pavement. This plan was carried out at an approximate expenditure, including conducting the endurance test of the road section, of $226,000. Mr. Older states that this investment has already justified itself many times over in the state of Illinois alone, because of the knowledge gained from the results of the test as to the design requirements of cheaper and better pavements.

The two outstanding conclusions that can be drawn from the results of the Bates road test have been summarized by Mr. Older substantially as follows:

First: the load carrying capacity of any design of rigid pavement slab is in direct proportion to the ability of its weakest part to resist bending stresses. The Bates road data indicate that for rigid pavements, such as concrete, if the loading does not exceed an amount that will cause bending stresses within the road section in excess of one half of the modulus of rupture of the concrete, such loads may be applied practically indefinitely without producing failure. The passage of numbers of somewhat heavier loads will result in numerous corner breaks involving heavy maintenance expense. Still heavier loads may quickly cause complete destruction of a pavement section in a comparatively short time. As the carrying capacity, and therefore the useful life, of a rigid pavement is dependent upon the magnitude of the wheel loads that cause breaking stresses, it is not economically practical to construct pavements that may be maintained at low cost or that may not be utterly destroyed in a comparatively short time unless wheel loads are rigidly controlled. It is not reasonable to expect local authorities to enforce load regulations. This regulation should be under the jurisdiction of the state, and ample provision made for enforcing it.

The second general conclusion is of a more definite character and of great importance as giving the basis for a rational design of rigid pavements. The results of the Bates test indicate conclusively that rigid pavements having a uniform thickness or edges thinner than the center section are greatly unbalanced in strength and will fail along the edges long before wheel loads are reached that would cause the destruction of other portions of the slab. The lesson learned from this phenomenon goes contrary to the practice followed up to the present in the design of concrete roads.

As a result of the experience gained, the Illinois division of highways already has adopted new designs for concrete roads and concrete base for asphalt surface roads. The claim is made that these new design sections will not only provide a pavement better able to carry the loading permitted, but also can be built at a lower cost per mile than the concrete road section employed in the past.

The results of the Bates road test should be of great value to highway officials throughout the country in the formulation of sound policy both in respect to the design of roads and the requirements of administrative control over their use.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY ARCH MANDEL

Through the efforts of the San Francisco Bureau a strong municipal affairs committee was organized by the Chamber of Commerce to act as a militant force behind the Bureau's recommendations, the latter serving as a staff agency and consultant to the committee.

Two major accomplishments of this committee are the drafting of a city manager charter and the working out of a ten-year development program for San Francisco. The charter is being written by W. H. Nanry, Director of the Bureau, and Professor E. A. Cottrell of Stanford University, and will be presented as a single complete amendment, as was done in Cleveland.

Important projects which have some degree of official sanction and which would involve a cost of $225,000,000 have been proposed for San Francisco, but without reference to any general plan or to the city's ability to finance them. The Bureau is trying to work out a development program on the basis of the city's financial resources for the next ten years; each project to be considered in accordance with its relative needs and in relation to a general plan, together with the city's ability to afford it.

⁂

Apparently it all depends on how you go about it. The Tax Supervising and Conservation Commission of Multnomah County is an official state-appointed commission having supervision over the local budgets and tax levies of Multnomah County, created by the legislature in 1921. In 1923 a law was passed extending this system to all of the counties of the state. The outside commissions were organized last year and proceeded to function more or less completely during the budget season last fall. A few of the commissions were somewhat radical in their tax reductions, and in at least one case it was stated that fixed debt items had been eliminated from the budget. In any event a movement against the commissions was started in several of the counties which materialized in a Supreme Court decision at the end of the year which invalidated the 1923 statute on the ground of a defective title. This decision put all of the outside commissions out of business, and leaves in existence and functioning only the Multnomah County Commission.

C. C. Ludwig, Secretary of the Multnomah County Commission, is looking for information on consolidation of governments in metropolitan areas.

⁂

New Jersey commuters in the metropolitan district will be interested to learn that no improvements in the commutation service of the railroads as to running time and frequency of trains has been made in the last twenty years. This was shown in a report on the Rapid Transit situation, prepared by the Bureau of State Research of New Jersey. This organization also made a study of the state finances of New Jersey, urging a revision of the taxation systems.

⁂

"Aldermanic rule is inadequate, undemocratic, extravagant and vicious," stated Luther Gulick, Director of the Bureau of Municipal Research, New York, in an address before the Newark Chamber of Commerce. This address was one of a series of three inspired by the Bureau of Municipal Research of the Newark Chamber, in order to contribute its share to the discussion now going on in that city relative to the desirability of making some change in the form of the city's government.

⁂

Have yourself placed on the mailing list of the Commission of Publicity and Efficiency of Toledo, 412 Valentine Building, C. A. Crosser, Secretary. Their bulletin comes out weekly and always has a front page of interesting information.

⁂

J. E. Donaldson, Accountant, was added to the staff of the Minneapolis Bureau of Research. Mr. Donaldson has had a wide experience in the commercial field and in teaching accounting.

The permanent registration law, prepared by the Minneapolis Bureau and placed on the statute books largely through its effort, was tried out for the first time in March in the election in St. Paul. Mr. Olson states that it has met all the problems foreseen in a very satisfactory manner.

◆

Cuyahoga County finances are receiving special attention by the Cleveland Bureau. A comprehensive study of the financial laws and the financial administration in the county is now being made. The object of the study is to appraise the adequacy and the usefulness of the system under which an urban county, such as Cuyahoga, operates, and to recommend such changes in legislation and administration as seem more useful for a county of this character. In this study the legal basis of each separate fund is being examined and its operation for the last five years is being studied.

◆

Hart Cummin, Secretary of the Tax and Economy Committee of the El Paso Chamber of Commerce, is preparing information on a million dollar bond issue to be submitted to the voters.

◆

A monumental piece of work has just been completed by the Philadelphia Bureau. A card index of the ordinances of Philadelphia from 1789, the first year for which printed copies of ordinances are available, to the end of 1923, was prepared. The index comprises 10,000 cards, each containing from one to fifteen entries.

◆

The reports now in preparation for publication by the Philadelphia Bureau include a study of the city's municipal street-cleaning and refuse-disposal undertaking; a study of the city's borrowing policy; a study of the city's gas problem; a review of the local movement toward classification and standardization in the city's service, with recommendations of the steps that still need to be taken; and a study of charges for minor street privileges.

◆

Two important steps, recommended by the Citizens' Bureau of Milwaukee, are being taken by the school board of Milwaukee in the reorganization of its departments. The first is the employment of a full-time architect, to be paid about $9,000 a year. The selection will be made by Civil Service and the local Chapter of Engineers and Institute of Architects is in charge of the examination. The second step is the creation of a research department that will serve in the capacity of "service" auditor of the board and have general charge of all publicity and statistical work.

◆

Milwaukee voted on a half million dollar bond issue in April. The basis for this program was a carefully worked-out survey by the Citizens' Bureau in co-operation with the Land Commission. Wherever possible, city-owned property not being used was recommended for use as playground. This new plan provides playgrounds within a half mile of every child in the city and within a fourth of a mile of every child within the congested district.

Adequate playgrounds for the future will be taken care of in the "ten-year sites program" now being worked out by the Citizens' Bureau in co-operation with a School Building Survey Committee. This program is including territory within three miles of the city limits. It is planned to acquire twelve acres for senior high schools and six acres for elementary schools.

◆

Consulting administrative service is being offered by the Citizens' Research Institute of Canada to Canadian cities. This was done in order to make it possible for municipalities to obtain first-grade consulting service on matters of administration at a reasonable cost.

While little may be heard on this side of the border of municipal research in Canada, the Citizens' Research Institute, of which Dr. Brittain is director, has stimulated interest in government research in all parts of Canada, and the organization has made surveys in cities from coast to coast.

◆

Budget laws for city, county and first-class school districts of the state of Washington, adopted at the last legislature, were drafted by the Taxpayers' Economy League of Spokane. It is reported that the municipal research idea is gradually taking hold in the larger cities of Washington. The Tacoma Taxpayers' Association is doing municipal research work and it is reported that such an organization is being considered in Seattle.

NOTES AND EVENTS

EDITED BY A. E. BUCK

More About New York's Administrative Reforms.—Governor Smith made an attempt to bring up a plan for more economical state government by constitutional amendment. In the closing days of the legislature he called together the publishers and editors from various sections of the state and had a talk with them at the executive mansion. In the invitation to be present at the meeting he made the following statements:

> You are undoubtedly somewhat familiar with the program now before the legislature for reorganization of the state government. It is divided into three main parts: the consolidation of the one hundred and eighty-seven scattered departments of the state government into twenty-one major departments, the executive budget, and the four-year term for governor.
>
> The constitutional changes necessary to bring about the consolidation were passed last year and consolidations of departments which can be effected by statute are going forward. The executive budget and the four-year term, both of which require changes in the constitution and which are essential facts of the program, are now before the legislature and are about to be acted upon at this session. . . .

The governor's talk with these people seems to have created quite a wave of interest over the state. It is thought that this will cause the legislature to take favorable action upon the proposals for administrative changes in the state government.

*

Threatened Collapse of Zoning in Los Angeles.—The community's efforts to direct its physical growth along lines determined by the study of experts and to avoid the confusion and waste of haphazard development appear to be a failure. The city's zoning program has been seriously interfered with, and complete breakdown seems inevitable if present trend is not immediately checked.

The failure is due not to court attack upon the city's right to regulate the uses of property (there has as yet been no final judicial decision invalidating the zoning ordinance), but to the activities of organized realtors, city hall politicians and lobbyists.

CITY COUNCIL BECOMES ACTIVE

During our first year of zoning the city council kept its hands pretty well off the work of the planning commission. Ordinances based upon careful study of the district zone were passed by the council largely as presented by the city-planning commission. But the present council, under the leadership of Councilman Miles Gregory, the chairman of the public welfare committee, has taken zoning matters into its own hands, with the result that the planning commission's zoning committee plays the rôle of a feeble and much discouraged adviser.

In the past three or four months appeals against planning commission zoning decisions from property interests have resulted in an alarming number of council reversals of the commission. The records show that in the case of the majority of these appeals the city fathers rejected the judgment of zoning experts as to the proper location of single family residences, apartments, retail stores, and industries, and gave their assent to the invasion of residential sections by flats and business establishments.

The Municipal League makes no charges, but it believes the people should be acquainted with the possibilities for pernicious activity of lobbyists arising out of the council's zoning activities.

VALUES JUMP FOLLOWING COUNCIL ACTION

It is possible for the city council, the League has ascertained from real estate operators, to raise market realty values as high as 300 per cent. The aggregate jump in values from some of these legislative acts reversing the city-planning commission is astounding.

Take, for instance, the case of Wilshire Boulevard between Western Avenue and Westlake Park, which has recently been taken by council action out of B, or apartment house zone, and put in C, or retail business zone.

The territory changed has a frontage of nearly 12,000 feet. According to one real estate agent, this frontage while in B zone was worth approximately $1,500 a foot, a total for both sides of the street of nearly $18,000,000.

If placing this frontage in C zone increased its value one third, as we were informed by one agent, the total increase would be nearly $6,000,000.

LEAGUE PRESENTS FACTS TO DISTRICT ATTORNEY

The inducement to improper pressure upon the legislative body under these circumstances is thus seen to be appalling.

The League has ascertained that lobbyists of high and low degree have been active in obtaining these zoning changes.

Further, the League, after lengthy investigation, has concluded there may be truth in the numerous rumors and charges of graft afloat in the western section of the city. This conclusion is drawn from much information of a rather positive character which has come to us.

It is conceded by us that city hall may never have seen any of the money which it is alleged has passed into the lobbyist's hands. But we feel that the people ought to know the truth and the full truth regarding a dangerous situation.

For this reason all the information at our disposal has been placed in the hands of the district attorney.—*From Bulletin Municipal League of Los Angeles.*

⁂

Suggested Charter Reforms in Waltham.—A recent editorial in the *News-Tribune* of Waltham, Massachusetts, has the following to say on the present situation in that city:

> There is one thing that the present city council is doing, probably without deliberate design but none the less effectually. It is arousing poignant regret in the bosoms of some of those who gave their hearty support and their work for Plan B. When these contrast the hemming and hawing, the backing and filling and the evident inability to make up its mind to a course and pursue it which has characterized the present council, not always through its own fault but because of the fault of the plan itself, they are moved to wish that Plan D was once more on the map and in operation.
>
> But one thing can be said of the present form of city charter. It is less objectionable than the old aldermanic form of government. It is more workable than a charter that provided for a large legislative body; but when that is said, everything is said. Ward representation, while it has not so far become as obnoxious as ward representation usually is, has not been any advantage to the city. The way is still open for abuses; for in spite of the magnificent disregard for statesmanship which the council has shown, none of the members has displayed a tendency toward the lower forms of ward politics for personal gain.
>
> The committee system which the council has seen fit to install and which probably had to be installed in order to make the plan workable, resulted in neither better judgment on matters before the council nor in expedition. Interminable delays are characteristic of practically every matter that comes before the council. And on many occasions the committees have not had the courage to take the reins into their own hands when an order was referred to them, but have called the council into caucus before taking definite action.
>
> Plan D has more real friends now that it has gone than it had when it would have been possible to save it. Those who were the loudest in their opposition to the charter because of the action of the old council in trying to put through the Mt. Pleasant plan are now the loudest in their complaints because the city is going to build a city hall on the Common. Had it not been for the Mt. Pleasant plan the Plan D charter would not have been defeated. That both went down is a source of regret to many who helped put it down.

⁂

Proposed City County Consolidation in Milwaukee.—A recent report of the Voters' League of Milwaukee has the following to say on city-county consolidation:

> There is little reason why the city and county should have separate independent police and health departments, election and civil service commissions, sewage systems and city-planning organizations, or why city water facilities should not be supplied to territory adjacent to the city.
>
> Such consolidation would eliminate duplicate governmental organizations, centralize authority and responsibility, equalize and reduce governmental costs and fuse conflicting policies and standards of work. Such consolidation must ultimately come by the merging of city government into the county.

Discussing the efficiency of the county government the report says:

> Until the constitutional and legislative restrictions are loosened, county government will remain an archaic, unorganized and inefficient system that may have served its purpose in Civil War days, but is now inefficient.

⁂

Regional Planning in Chicago.—Steps toward a building up of the new Chicago Regional Planning Association were recently taken at a meeting of the Board of Directors of the City Club of Chicago. A member of the Board of Supervisors of Kenosha, Wisconsin, presented at this meeting recommendations for a wild game preserve in southern Wisconsin and northern Illinois as a feature of the Chicago Regional Plan, and pledged Kenosha County's support to the

Regional Planning cause. There was also submitted at this meeting a program for the work of the Regional Planning Association including extensive surveys of physical, economic and social conditions as well as a detailed budget. It was suggested that considerable money could be saved and that some valuable suggestions could be derived from the experiences of the New York regional planners.

⁂

Budget Facts from Portland, Oregon.—The Tax Supervising and Conservation Commission of Multnomah County, Oregon, has recently issued its 1923 annual report. Mr. C. C. Ludwig, formerly of the Rochester Bureau of Municipal Research, has been for some time executive secretary to this commission and is largely responsible for the form and contents of the annual report. This report is not the first one that the commission has issued, but it shows striking improvements over the previous reports. It contains a very interesting group of facts about the finances of the city of Portland and the county in which it is located. These facts are illuminated by supporting charts, diagrams and tables. It might be well to say that the Tax Supervising and Conservation Commission was created by state law and has certain supervisory control over the financial operations of the city of Portland and the county in which it is located.

⁂

The Kansas Court of Industrial Relations.—The National Industrial Conference Board of New York has recently issued a report (Research Report No. 67) on the Kansas Court of Industrial Relations. The foreword to this report says:

> The establishment and activities of the Court of Industrial Relations of Kansas, now in its fifth year, must be counted as one of the significant events in the history of industrial relations in the United States. Whatever its ultimate fate, whether to be emasculated by higher courts or to be crippled by political intrigue, the nationwide attention which it attracted will make it a landmark in American industrial history, to be pointed to as a success or a failure, as a promise or a menace, by the public employers, labor unions and students of industrial policy, each group according to its bent.

The report gives a full and complete study of the nature and work of this court.

A Proposal for Improving the Budget System of Local Governments in Ohio.—Mr. R. E. Miles of the Ohio Institute has recently proposed a plan for improving the budget system of all local taxing districts in the state of Ohio and enforcing a pay-as-you-go policy. The plan aims to standardize the budget methods for local governments of the state by establishing a uniform fiscal year for all taxing districts coinciding with the calendar year; by keeping expenditures within the money available; prohibiting appropriations in excess of properly estimated available income and balances; by requiring financial reports at least annually from each taxing district; by establishing an elective county budget commission and by making a number of administrative readjustments for greater efficiency.

⁂

The Falling Off of the Town Meeting.—News from Lynn, Massachusetts, suggests that the old town meeting idea is a thing of the past, and that to be able to carry on productive business meetings on topics relating to the city government some other method must be adopted. There has recently been a decided falling off of the attendance at the town meetings in this city. Sometimes it was impossible to secure the necessary 200 which constitutes a quorum, and at least at two meetings the moderator was compelled to send out to secure enough to make a quorum.

⁂

West Virginia League of Municipalities Organized.—A League of Municipalities has been recently organized in West Virginia largely through the efforts of Harrison G. Otis, who is at the present time city manager of Clarksburg, West Virginia. Mr. Otis has been named president of the League. The meeting at which the League was organized was held at Morgantown.

⁂

The Fifth Annual Meeting of the Southwestern Political and Social Science Association was held in Fort Worth, Texas, on March 24 to 26. This Association brings together the university and college teachers of five or six southwestern states. For some time the Association has published a quarterly. During the past year this quarterly has been edited by Professor H. G. James of the University of Texas, assisted by Frank M. Stewart of the same university.

NATIONAL
MUNICIPAL REVIEW

VOL. XIII, No. 6 JUNE, 1924 TOTAL No. 96

ZONING AND THE COURTS IN TEXAS

BY IRVIN STEWART
University of Texas

In Texas the law of zoning is developing along narrow lines and a constitutional amendment is thought to be necessary. :: :: ::

ALTHOUGH Texas is popularly considered a land of ranches and cotton farms, the contribution of the commission plan and the hearty acceptance of the city-manager plan have indicated an active interest in municipal government and problems. At present four hundred and fifty-five communities are incorporated under the cities and towns act, and of these more than sixty-five have populations in excess of five thousand, several of the largest having passed the one hundred thousand mark. It now seems wise for Texas cities to consider the proper lines of future development and to make provision for their growth according to definite plan. It has been more than ten years since Dallas began preparing a planned growth, and since that time a number of cities have adopted more or less comprehensive city plans, at least two of which were drawn up by Mr. George W. Kessler of St. Louis.

Little legal difficulty was anticipated. The supreme court held in 1890 that the city of Galveston might establish a municipal market and create a certain district within which the private sale of meats might be prohibited—even though the plaintiff had a market already established within those limits (*Newsom* vs. *City of Galveston*, 76 Tex. 559). Prior to 1913 the state legislature had granted special charters to the larger cities in the state and had been generous in the grant of powers to these. The adoption of the home rule amendment in that year set the cities with populations of five thousand or over in a class by themselves. The amendment itself was very short, guaranteeing to the cities the right to draft their own charters, but leaving the matter of details to the legislature and making provision for the compatibility of charter provisions and the general laws of the state. The enabling act passed by the next session of the legislature showed a very liberal spirit on the part of the legislators. A comprehensive, detailed enumeration of specific powers was preceded by the statement that "by the provisions of this act it is contemplated to bestow upon any city adopting the charter or amendment hereunder the full power of local self-government" and was followed by "the enumeration of powers hereinabove made shall never be construed to preclude, by implication or otherwise, any such city from exercising the powers incident to the enjoyment of local self-government, provided that such powers shall not be inhibited by the constitution of the state."

THE DALLAS ORDINANCE

This was the general situation when in July, 1915, the city of Dallas, citing as its authority the police provisions of its charter giving the corporation the right to protect health, life and property; abate nuisances; preserve and enforce good government, order and security of the city; and to protect the lives, health and property of its inhabitants, passed the ordinance later involved in the case of *Spann* vs. *City of Dallas.* That ordinance defined a residence district as one in which there were more residences than business houses within three hundred feet of a proposed new building; and provided that no business house might be constructed in such residence district without the prior consent of three-fourths of the property owners of the district and the approval of the building inspector. If the applicant for a building permit could secure the permission of three-fourths of the property owners of the district, the inspector would issue the permit upon the production of a satisfactory design for the building.

Spann had purchased the property in question and had applied for a permit to construct a small grocery store thereon prior to the passage of the ordinance; but the inspector had informed him of the probable passage of the ordinance and had declined to issue the permit until after the ordinance had been acted upon. After the ordinance became effective, the permit had been definitely refused upon the request of the adjacent land owners. Spann immediately applied for an injunction to compel the issuance of the permit. The district court refused to grant the injunction and the court of civil appeals upheld the lower court in an opinion which held that the police power embraced "regulations designed to promote public convenience or the general prosperity or welfare, as well as those specifically intended to promote the public safety or the public health." With the possible exception of *Newsom* vs. *City of Galveston* the case was a new one for Texas, and the court had no opinions of the state supreme court on which to base its decision; principal reliance was upon definitions of police power by the supreme court of the United States. Though the plaintiff contended that the clause permitting adjacent property owners to consent to the erection of a business building in a residence district effectually denied the expressed purpose of the ordinance, the court was of the opinion that the tenor of the act indicated that such action of the owners was merely to assist the board of commissioners in determining whether or not the permit should issue.

POLICE POWER NARROWLY CONSTRUED

An appeal was taken to the supreme court, and on November 2, 1921, that tribunal handed down its decision, definitely overruling the two inferior courts. The court passed over the question of charter authority and paid no heed to the enabling act. In a lengthy opinion the chief justice discussed the nature of the police power and of property rights, and came to the conclusion that "It (ownership and use of property) is not a right, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate." Several cases were distinguished on the ground of the peculiar nature of the business involved, the chief justice freely conceding that public health, safety, and comfort were superior to the property right of the individual; but the court ridiculed the idea of a residence grocery store being detrimental to any of these considerations. On the contrary, such institutions were public conveniences. According to the court the fact that three-fourths of the adjacent property owners might permit the construction of the store revealed the purpose of the ordinance; if the building was dangerous to the neighboring residents, it would not become less so by the consent of a percentage of property owners, many or all of whom might be nonresident. Likewise the court held that that portion of the ordinance giving to the building inspector the right to refuse to issue a permit because the design might not be pleasing to him was placing too much arbitrary authority in the hands of one man. While the two courts did not differ fundamentally in their definition of police power, the court of appeals stressed the idea of public comfort and convenience and the supreme court that of health.

BOARDS OF APPEALS ESTABLISHED

The opinion of the court was clearly contrary to wishes and aims of a large portion of the inhabitants of the state. While the court had the case under advisement, the legislature passed an emergency act amending the home rule act so that "for the purpose of promoting the public health, safety, order, convenience, prosperity, and general welfare" the governing authorities of home rule cities might pass zoning ordinances, and might establish a board of appeals or review to hear and decide appeals from the determination of the governing authorities under the provisions of the amended act. Meantime, other Texas cities called an abrupt halt in their city-planning operations.

Proceeding under the authority of the recent act, thirty days after the decision of the supreme court, the city commission of Dallas amended its ordinance to provide for the board of appeals and to eliminate the arbitrary power of the building inspector. The amended ordinance was attacked in the case of *City of Dallas* vs. *Mitchell* (245 S. W. 944, Nov. 15, 1922), a court of civil appeals case, after the board of appeals had sustained a decision of the city commission, reached after a hearing of the objections of adjoining owners, denying Mitchell a permit to build a grocery and drug store in a residence district. While it was shown that the proposed structure would comply with the building ordinances of the city, the commission had held that the structure would endanger the "health, safety, and welfare" of the community—although the facts showed that a similar structure was already in existence across the street opposite the proposed location. Between the times that the Spann and Mitchell cases arose, the legislature had specifically granted (so far as was within its power) the right to zone; the people of Dallas had by popular vote amended their charter to give the commissioners the right to zone; and a new ordinance designed to cure the defects of the earlier one had been passed. Under its terms the desires of three-fourths of the adjacent property owners were no longer the determining factor—the commission and the board of review were to conduct a hearing of the adjacent property owners solely to assist them in determining whether or not the presence of the proposed building would call for an exercise of the police power; and unless the facts of the particular case showed that some one of the factors involved in that power demanded the witholding of the permit, the city could not legally refrain from granting it. While the city claimed that the new ordinance was passed to meet the objections raised by the supreme court in the Spann case, and that far from permits being arbitrarily refused, building was going on under its terms, the court of civil appeals was of opinion that the new ordinance was designed to "circumvent the decision of the supreme court on the former ordinance." Relying wholly upon the Spann case, the court granted an injunction compelling the issuance of a building permit. Clearly an act which was unconstitutional could not be validated by the mere passage of a legislative act. On February 7, 1923, the supreme court refused to grant an application for a writ of error.

Two other cases involving the same ordinance followed in quick succession. That of *City of Dallas* vs. *Burns* (250 S. W. 717) involved no new points and was decided by the court of civil appeals in the light of the Spann and Mitchell cases practically without comment. City attorneys of Austin, Fort Worth, Houston, Wichita Falls, and Sherman as *amici curiae* called the attention of the supreme court to the recent Kansas decision of *Ware* vs. *City of Wichita* (214 Pac. 99) and the interpretation there placed upon the Spann case; but that tribunal refused a writ of error. On June 13, 1923, the case of *City of Dallas* vs. *Urbish*[1] arose upon the refusal of the board of appeals, reversing the board of commissioners, to let issue a permit to construct a moving picture show in a residence district. Again the Spann case was invoked; and again the supreme court dismissed an application for a writ of error.

CITIZENS BEGIN ACTION

A slightly different turn was given the situation in the early part of 1923 when the city, giving up hope of putting its zoning plan in operation was preparing to issue permits for certain business structures in residence districts. Twenty-nine citizens sought to restrain the issuance of the permits for retail stores and gas and oil filling stations, and sought to enjoin ten codefendants from using permits already granted. Plaintiffs alleged, and the truth of the allegations was admitted, that the construction of the proposed buildings would diminish the value of surrounding property by at least twenty-five per cent. On June 23, 1923, the court of civil appeals held that "there is no clearer rule in this state than that, if there be no public or private nuisance created in the use of property, no recovery of damages can be allowed for the diminution in value of the property by reason of the lawful use of such property made by a nearby owner." (*Marshall* vs. *Dallas*, 253 S. W. 887). And with the statement that the city had no right to refuse to do that which, under the Spann case, it was compelled to do, the court refused to grant the injunction. The supreme court dismissed an application for a writ of error on October 24, 1923.

Houston, Texarkana, Hillsboro,

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[1] 252 S. W. 258. Application for writ of error dismissed October 17, 1923. The court stated that the city's contention that it had right to prohibit the construction of a picture show in a location where said show would "adversely affect the public health, safety, welfare, peace, etc." was beside the point, as the ordinance in question was not of that character. In the opinion of the court an ordinance leaving the final decision on the construction of a building to the "arbitrary will of the board of appeals, or the mere caprice" of adjoining property owners could not be a valid exercise of the police power.

Greenville and El Paso had zoning ordinances under consideration at the time of the Spann decision, but dropped them after that decision had been made public. Fort Worth, Wichita Falls, Amarillo, Denton, Palestine, Beaumont and Childress were attempting to enforce zoning ordinances when the supreme court's decision led to the granting of injunctions by the district courts, and to the subsequent repeal or nonenforcement of the ordinances. Since the Spann case was decided, the higher courts of the state have handed down opinions in five other cases involving exactly the same point. Six identical decisions within a period of two years can leave little doubt about the position of the Texas courts on zoning. There can be no dissent from the statement by the court in *City of Dallas* vs. *McElroy* (254 S. W. 599) to the effect that "It is now settled law that the city of Dallas and its officers are not warranted in refusing a property owner a permit to build a business house in a residential district merely on the ground that other property owners in the vicinity of the proposed building object, or upon the ground that the officials of the city deem it unwise to permit the construction of such buildings in such district."

Nothing short of a constitutional amendment will permit zoning to be carried on in Texas; and in the light of the state's experience with proposed constitutional amendments, one granting zoning powers to cities would have little chance of adoption. It seems that this will have to be one of the matters to be considered by the much discussed constitutional convention, so desired in many quarters, which may be called to meet at some time in an indefinite future.

THE LEAGUE OF MINNESOTA MUNICIPALITIES AND ITS ASSOCIATION WITH THE UNIVERSITY OF MINNESOTA

BY MORRIS B. LAMBIE
University of Minnesota

The organization and work of a successful State League of Municipalities.

LEAGUES of municipalities, of which the Minnesota group is one of twenty-one in this country, are not unique in purpose. They are merely a variation in the type of association which devotes group energy to the affairs of the municipal community. In similarity of program and intent they enjoy kinship with the National Municipal League, the bureaus of research and reference and all other public or private organizations formed for the express purpose of studying, discovering and promoting approved methods for administering the city and village.

The leagues, however, are quite distinctive in that they are organized to approach municipal problems from the viewpoint of the municipal officer rather than from the viewpoint of the private citizen. This may appear to be an over refined distinction for in the last analysis official and unofficial interests are not so very far apart. Nevertheless students of human nature know that respective differences in outlook as well as introspect are so shaded that a type of research and informational association which satisfies a group of private citizens may not necessarily prove acceptable to a group of public officers. Consequently in process of adaptation the leagues have acquired unusual characteristics in form of organization, basis of membership, affiliations and mode of operation.

In calling attention to these special traits I am singling out the League of Minnesota Municipalities for illustration, not because it deserves special mention, but only by reason of familiarity with its history and methods. Other leagues maintaining direct connections with state financed universities in Kansas, Oklahoma, Illinois, Texas, Wisconsin, Michigan and Colorado would serve the purpose equally as well.

THE PUBLIC CHARACTER OF THE LEAGUE; THE BASIS OF MEMBERSHIP; AFFILIATIONS WITH THE UNIVERSITY

The League of Minnesota Municipalities has official public status both through basis of membership and affiliation with the University of Minnesota. The members are the 150 impersonal corporate cities and villages whose legislative councils have authorized the use of public funds for the enjoyment of privileges and service and the sharing of obligations. By necessity the league operates through the 1,600 personal mayors, clerks, councilmen, attorneys, engineers and health officers who are the principal elected or appointed officials in the several cities and villages, but in each instance the municipality holds the membership. Annual dues, varying from $15.00 for the community of less than 500 population to $75.00 for the city over 75,000, are assumed to be appropriated for a public purpose in the legal sense of the term. In order to avoid any doubt of legality the legislature recognizing the public services performed through the league passed an act in 1923 authorizing municipalities to incur this expenditure.

The relationship with the University of Minnesota also adds to the public status of the organization. The league, it should be understood, retains a separate identity. It has its own constitution and responsible officers and acts over its own name, but by custom the associations with the university are so generally accepted that for all practical purposes the two organizations are merged the one in the other. The University, through the initiative of Dr. Richard R. Price, director of the General Extension Division, was in fact responsible for organizing the league in 1913. Since that time Dr. Price, as a member of the executive committee and secretary-treasurer, has taken active part in guiding league policy. The bonds are furthermore strengthened through the direct connection with the Municipal Reference Bureau of the University General Extension Division whose secretary has always been executive secretary of the league and a member of the executive committee. This arrangement does not in any way impair the element of independence, for the league of its own volition assigns the bureau to be the central headquarters of the organization. In accepting this assignment the university offers the service of the bureau for the use of the cities and villages. Staff members, although paid from university funds, answer the inquiries submitted by municipal officials, edit and manage the league's magazine, *Minnesota Municipalities*, arrange meetings and conventions, and act as the informational center for the twenty league committees.

The bureau in this dual capacity carries out league activities, and at the same time conveniently places the available university service at the disposal of the municipal officials. On problems of public health, engineering, finance, law, recreation, welfare and safety there are university specialists who within reasonable limits of time are willing to give aid and advice. There is, too, the political science department which affords invaluable service in connection with its Bureau for Research in Government. Through the director, Dr. William Anderson, professor of Municipal Government, reports have already been published upon City Charter Making in Minnesota, Home Rule in Minnesota, History of the Constitution of Minnesota and the Constitution of Minnesota Annotated, and other reports are in process. The research bureau is not officially associated with the league, but an interchange of interests is facilitated by having the staff members share the same suite of offices with the staff of the municipal reference bureau. Another link is established in that the secretary of the municipal reference bureau is also a member of the political science department. This interchange or interlocking of directorates works out for the advantage of all concerned.

Indirectly these arrangements afford opportunity to train students in the field of public service. A way is made clear for advanced or graduate students in the political science seminar and in courses in public administration to devote time to the preparation of reports on special problems of concern to the municipal official assuming that their work satisfies university requirements. Minnesota has not accomplished as much as the University of Michigan along these lines, but it is making a contribution. The league adds a portion to the training problem by creating two positions for staff assistants at stipends of $500 each. Appointments to these assistantships are given to graduate students in political science at the university who divide their time equally with the league and the political science department, working upon assignments that are in accord with the league program. One assistant at present is concentrating upon municipal indebtedness and the other upon state administration. The nature of their work and their supervision is not unlike that in the Training School for Public Service of the Institute for Public Administration in New York, although not as intensive. The assistants obtain a bird's-eye view of the public service and at the same time apply themselves to the thorough analysis of a single problem.

I mention these official arrangements, for we at the University of Minnesota who are working along these lines, while conscious of our limitations, are aware of the unusual opportunities afforded for direct practical service in problems of public administration. The academic agencies in the course of regular activities find it easy to offer their service and research facilities for the use of the municipal governments because of the convenience in methods of association. The municipalities receive a service performed by public officials employed at public expense. This element alone obliterates any thought of outside inquisitiveness or commercialism.

THE ACTIVITIES AND PROGRAM OF THE LEAGUE

The activities are divided into three broad categories: (1) the circulation of information, (2) arrangement of conventions and conferences, and (3) securing of legislation beneficial to the communities and the opposing of injurious legislation.

CIRCULATION OF INFORMATION

This work involves answering inquiries upon subjects of administration, charters, health and sanitation, garbage and refuse disposal, budget and finance, engineering, recreation, taxation, judicial decisions, waterworks, lighting, paving, parks and the scores of other municipal problems. In gathering facts and experience the university personnel is available together with the library facilities of the municipal reference bureau and the Bureau for Research in Government. Connections are maintained with state departments, some of which like the State Board of Health have offices on the university campus within a stone's throw of league headquarters and others are at St. Paul, capitol, nine miles distance. The bimonthly magazine, *Minnesota Municipalities* (32–40 pages) is sent to 1,600 municipal officials containing reports, announcements, book reviews and notes and editorials. Special bulletins are distributed infrequently. One on "The Municipal Budget," the first in a series, was published last fall and two other bulletins on state administration and municipal indebtedness will be available in June. There are also the twenty committees composed entirely of municipal officials, with the chairmen chosen as one of the most representative officials for the respective committee assignments. And, perhaps most important of all by way of informational service, the league field agent, Mr. H. W. Gillard, an engineer, travels around the state in his automobile, visits the cities and villages and talks over league problems with the local officials who may be found at their daily tasks as lawyers, storekeepers, clerks, butchers, laborers or farmers. He answers questions on the spot if he can or if unable to give the exact information reports back to the league headquarters, where the problem is analyzed and a report prepared.

CONVENTIONS AND CONFERENCES

The annual convention is the event of major importance. On this occasion from 300 to 400 delegates from cities and villages hear and take action upon committee reports and plan, through the executive committee, the policies for the ensuing year. These conventions are partially of the inspirational type and partially matter of fact discussions on problems of the moment. There are the usual question boxes and open forums. Outside speakers and state officials of prominence are placed on the program. It is around this convention that the unity of the league is established. The meetings are held each year in different cities.

Informal meetings are also held from time to time at the university. This year the executive committee and chairmen of other league committees met jointly in session on two occasions. Last January the league coöperated with the Minnesota Tax Conference and held a two-day session at the university upon subjects of public finance and state administration. In May there will be a meeting on city plan. This phase of the work deserves greater development and in all probability meetings will be more frequent next year which happens to be a legislative year.

LEGISLATION

Legislation as ever is the greatest concern of the league. The old home rule problem is continually present and there are other interests hovering around city plan, taxation and indebtedness. Every other year, coincident with the convening of the state legislature, a legislative conference is held at St. Paul at which formal action is taken upon propositions presented to the state legislature. At the meeting in 1923, 61 municipalities sent 163 delegates who went on record in favor of or in opposition to 40 subjects that had been submitted through the league's legislative committee. The subjects ranged from "State Reorganization" and the "State Budget" to "Speeding" and "Vacancies in Council Caused by Death of Aldermen." All members of the legislature and especially the members of committees on municipal affairs in the House and Senate were invited to attend and take part in the deliberations. However, only a few responded. After adjournment an official communication including the resolutions was sent to each member of the legislature and to the respective committees informing them of the league's stand on the subject discussed.

The league is not militant in matters of legislation. Only on rare occasions does it resort to publicity campaigns. Beyond the passing of resolutions it exerts no force which in any way may be associated with pressure. The league headquarters, however, keep account of the status of the bills on municipal legislation and render informational service to the cities and in some instances the Municipal Reference Bureau has actually drafted proposed bills. Infrequently members of the staff when requested or chairmen of committees appear before legislative committees, but on all occasions the league is careful to serve primarily as a clearing house for information or as a focal point around which measures requiring legislation may gather. The policy has been well described by the chairman of the legislative committee, Mr. Charles P. Hall, city attorney of Red Wing: "The league is not interested in any question as a political or party matter, but solely in so far as such question may concern municipal welfare. . . . It proposes to act as an informant to its members as to what legislation is under consideration, and then to transmit to the various committees of the legislature such views on the most important subjects as the members of the league may desire to have submitted. . . . The league, without being presumptuous, seeks to have weight with the legislature as an advisory force and to secure the respect of the legislature."

This policy, while requiring careful guidance on the part of the legislative committee, is advisable for three reasons. In the first place it undoubtedly is the most effective policy, at least it has brought good results. Secondly, the league has to be very careful not to create internal splits within its own ranks. Injurious aspects of politics may be turned loose among municipal officials in a state where there are great open spaces between existing political parties. A militant attitude even on matters of municipal legislation might easily be misunderstood. While the league is frank and outspoken in its own councils on specific problems of legislation, we believe that there is a total absence of unwholesome political influence at the present time. This absence provides one of the strongest attributes for impartial service. Thirdly, emphasis through publicity would in the nature of the instance automatically sever the university connection with the league.

The legislative program for this next year is an ambitious one. It already includes the advocacy of such issues as a city plan enabling act, state reorganization and budget proposals, amendments to the home rule provisions in the state constitution, a change in the present distribution of the gross earnings tax, procedure for issuing municipal bonds, tourist camps, and municipal accounts. There will also be approximately thirty problems of lesser importance but of special concern to the single local community. It is around this program that the league committees and staff at the municipal reference bureau are concentrating attention preparatory to the next session of the legislature in St. Paul, January, 1925.

So it is that this particular league, and it is only one of many, while affiliated with the state university is organized as a nonpolitical coöperative association to obtain information upon phases of municipal administration. Its representatives perform public services in the strict sense of the term. In form of organization it adapts itself readily to the needs of officialdom. There is a purpose. "Cities," said L. C. Hodgson, ex-mayor of St. Paul and a former president of the league, "like individuals, cannot profitably and happily exist in isolation. Their destinies are intertwined. They must progress or fail together. Their problems are the same, and to be solved speedily and effectively the cities must all work together."

A NEW SCHEME FOR GOING VALUE

BY H. M. OLMSTED[1]

As prices recede, going value will assume greater and greater importance. :: :: :: :: :: :: :: :: ::

In the continual struggle between the municipalities and the public utility corporations over the value to be officially established as a basis for rate-making or acquisition, the concept of going-concern value, or "going value," still maintains a prominent position, and if prices continue generally to recede, leaving the reproduction cost theory less fruitful of high values, going value is likely to assume even a greater importance than now. The theoretical reproduction method has performed valiant service in swelling the rate base, but going value shows promise of being a more permanent device—at least so long as it can be argued to be positive rather than negative.

The methods of deriving going value are various and intriguing. The natural identification of going value with "good will" is usually ruled off the stage as being too great a strain on the forbearance of the public from whom emanates the good will, if any. Going value is, therefore, somewhat elusively described as the element by which the value of a system in successful operation exceeds that of a system complete except for the item of customers. Whether a system without customers would be worth the time, trouble and expense of constructing it seems somewhat doubtful, but it is usually regarded as worth at least whatever was spent to build it by the owners of its stocks and bonds. At this point going value steps in to add flesh to the bare bones—sometimes very substantial flesh.

The actual computation of the amount of such "value" has presented difficulties. Sometimes a percentage has been plucked from the air; but certain tribunals are literal-minded enough to require a semblance of reality, saying that going value for a public utility should be based on costs incurred and capable of measurement. To satisfy this need arose the idea of "development cost," and as fruitful a method as any was thought to be that of figuring out real or imaginary early losses, and property superseded by "changes in the art" or by other causes not deemed within the control of the companies. The supreme court, in *Galveston Electric Company* vs. *City of Galveston*, decided April 10, 1922, interfered with this field of research by failing to see how past losses can produce present value, so resort has been had to other methods.

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[1] The author was associated with Dr. Delos F. Wilcox in the Minneapolis Street Railway Rate Case.

EXAMPLE OF MINNEAPOLIS STREET RAILWAY

A very interesting example of modern processes of arriving at going value is presented in the case of the Minneapolis Street Railway Company before the railroad and warehouse commission of Minnesota, asking for a valuation and permanent rate of fare. The company had for a number of years past been seeking an increased fare, first from the city council, which gave it a one-cent increase, and later from the commission, when the latter was given jurisdiction. A valuation had been presented to the council in 1916 in which, on top of a total of $28,717,032, described as "Cost to Reproduce Physical Property New," in which was included $7,426,485 for general overheads, discount on securities, working capital, and expenditures due to municipal improvements, there was added the sum of $5,311,462, described as "Capital invested in the Development of the Property." This amount was made up of $1,936,543 for "horse, steam and cable lines superseded by electric traction during the years 1890 and 1891" (put in at the estimated undepreciated cost, plus 15 per cent for overheads); $2,312,837 for "initial electric cars and power stations superseded by modern cars and power stations" (estimated in the same way); and $1,062,082 for "serviceable track removed and replaced on account of new paving ordered by the city" and on account of grade separation, and also track abandoned in the development of the system.

The 1916 valuation and the negotiations for a new franchise based on a modification of that valuation, were repudiated at a referendum in 1919, after a long and active campaign.

In 1921 the street railway company succeeded in transferring itself from the rate-making control of the city council to that of the railroad and warehouse commission of the state, and immediately applied for an emergency fare of seven cents and a permanent valuation. Appraisals were prepared by the company and by the city, both being presented to the commission in June, 1923.

"DEVELOPMENTAL COSTS"

The company's appraisal, bearing the transmittal date of June 1, 1923, included an item for going value of $6,000,000. The two bases discussed in this connection were "developmental costs," and "cost of placing the physical property in successful operation." As to developmental costs the detailed basis was practically the same as was the case with the 1916 valuation. Summarized it was as follows:

Horse, steam and cable lines	$1,878,007
Initial electric development	2,628,800
Track renewed before end of useful life	1,332,803
	$5,839,610

As to "cost of placing the physical property in successful operation," the following phrase occurs: "This cost of placing the physical property in successful operation is estimated to be not less than 10 per cent of the present day cost of the component parts of the physical property, amounting to not less than $4,500,000." No further figures were given.

The appraisal of which the above is a part was filed with the commission on June 5, 1923. The hearings proper, in which the company and city produced their witnesses and introduced their respective appraisals into evidence, began on October 8, 1923. At this time no mention was made of the "developmental cost" referred to above, and based on detailed figures relating to the horse-car and early electric lines, etc., constituting the 82 pages of Section 12 of the appraisal report. Whether the ignoring of this phase of the subject was influenced by the appearance of the Galveston decision, with its dictum that "past losses obviously do not tend to prove present values," between the time of the beginning of appraisal work in 1921 and the final hearings in the fall of 1923, was not divulged.

The company's later basis for going value was contained in the testimony of its consulting engineer, A. L. Drum, on October 10, 1923.

The first element was the cost of training the operating organization, three months of the present operating payroll being taken as a measure of this cost, giving $850,000.

THE "TUNING UP" COST

The next element was described thus: "The cost of placing in operation the cars and substations and track and car stations involves the trial operation for limbering up of the apparatus, which we generally call the tuning up of the machinery which has to go through a certain amount of test and trial operation before it is wise and safe to place it in service." This tuning up was placed at $150,000, which was stated to be on a reproduction-cost basis, but for which no details were given.

The testimony then went to the development of the traffic and schedules of the system, which for this purpose was divided into two halves of 106 miles each—one half comprising a central zone and the other a belt surrounding the center. As to the outer half, Mr. Drum testified that "it is my opinion that 60 per cent of the car miles operated for a period of two years will be devoted to the building up of the traffic and the development of the territory." This was based on results of operation on one outlying line of the system that had been operating about two years and showed an average of 3.11 passengers per car mile, whereas the system average was 7.8, which was taken as the standard, although necessarily it is a composite of some lines that are normally heavy and others that are normally light. As 3.11 is 40 per cent of 7.8, there was considered to be a 60 per cent shortage, which was taken as corresponding to excess car miles. On the line in question this would amount to 37,000 car miles per year per mile of track; applying this to the 106 miles in the outer belt gave 8,000,000 car miles over a two-year period. In the inner zone the problem was taken to be the ironing out of schedules rather than the creation of traffic. Here it was testified that the tendency of the company would be to start with schedules which after a year's experience would be found to be 25 per cent too high. This excess for a year was placed at 2,000,000 car miles, which combined with the 8,000,000 derived from the outer belt gave

10,000,000 car miles, representing $3,500,000.

The latter figure added to the $850,000 for training the organization and the $150,000 for tuning up gave $4,500,000, the "cost of placing the property in operation."

"CONSOLIDATION VALUE"

After these alleged costs, quite clearly estimated on a theoretical reproduction basis, the next consideration was "consolidation value." The Minneapolis company is owned by the same holding company that owns the St. Paul and the suburban lines, and free interchange of cars occurs over the combined system. Mr. Drum testified, "In my opinion the officers and departmental heads and superintendents on the consolidated system, the total payroll for which at the present time is about $287,000, would be required to that amount if the Minneapolis Street Railway system was being operated independently of the St. Paul system and the suburban system. As 40 per cent of that amount approximately is being paid by the St. Paul and suburban systems, or $115,000 of it is being paid by those two companies, the Minneapolis Street Railway Company in my mind is reaping that amount of saving through the consolidated operation. If the Minneapolis Street Railway system was operated independently of St. Paul, the four interurban lines that are now through routes between the cities would stop at the easterly city limits. That would necessitate the added lay-over time that is not included now in their schedule. That lay-over time in my opinion would amount to five minutes per trip which would be added to that waste. There are 566,000 trips on those four lines and five minutes a trip and the trainmen's wages of $1.08 per hour would make the cost of that lay-over $50,000 per year. The resulting saving of those two items alone in the more efficient operation of the Minneapolis Street Railway system would amount to $185,000 per year. . . . I capitalized that $185,000 at 8 per cent as representing the value of the consolidated operation which amounts to $2,000,000." The St. Paul system would have consolidation value claimed for it also, based on the same sort of factors.

The total of the foregoing elements was $6,500,000. The extra half-million was sloughed off, leaving the $6,000,000 as claimed in the appraisal report.

TESTIMONY OF COMPANY COMPTROLLER

Some time later D. J. Strouse, the comptroller of the company, was called upon to testify on going value. He introduced an exhibit which contained various detailed data and computations, which supported in a general way the testimony of Mr. Drum. A rather elaborate basis was laid for an estimated "cost of developing the present operating schedules." A hypothetical initial base schedule for the day on each existing line was set forth, on the supposition that the lines were created but had not yet been run and any experimental traffic data accumulated; it was then discovered that the total car miles resulting from this scheme were 4,527 more per day than the present schedule of 22,830. For a year, at 31.94 cents per car mile, this amounted to a "cost" of $527,760.80. To this was to be added an item of $560,700 representing 178 extra crews at $7.00 per day for fifteen months, at the end of which time this number of night crews, required by the initial schedules, could be hooked up with rush-hour tripper runs that had up to that time been assumed to require separate crews. Then as a measure of an additional saving that was considered as being due to the re-routing to balance the loads at the ends of the through lines, which would presumably follow after a year's experimental operation of the system, certain actual re-routings made by the company during a recent three-year period were taken and the car-mile saving per day, continued over a period of a year and a half, was translated into the sum of $438,699.47. These three items totaled $1,527,160.27 as the cost of developing schedules, whereas Mr. Drum, by his inner and outer zone method, had arrived at $3,500,000.

The discrepancy was strongly the other way in the matter of consolidation value, for whereas Mr. Drum had found $2,000,000 for this, by considering salaries and assumed lay-overs, Mr. Strouse arrived at $4,635,956, consisting of additional revenue estimated to be due to the combination of suburban and intercity lines with the local system; operating economies, including not merely salaries but also an estimated 10 per cent increase in power-plant and shop efficiency; an item of $600,000 unpaid indebtedness of a predecessor company; and an item for lay-overs, as to which Mr. Strouse was more conservative than Mr. Drum in assuming an additional lay-over per round trip only, instead of for each one way trip.

On the cost of the operating organization the two estimates agreed fairly well, the first one being $850,000 and the new one $820,212.91, set forth in considerable detail by departments, also including general advertising; 12½ per cent was added for labor turnover, contingencies, wasted operating materials, property destroyed, injuries and damages, etc.

No item for "tuning up" was included in the later estimate.

It will be noted that the basis orally testified to by Mr. Drum, and, in somewhat different form, presented in Mr. Strouse's exhibit, constitutes a shift from the historical development method where superseded property played a dominant part, as set forth in the full appraisal report, to the method of determining an alleged direct cost of establishing business, together with an appraisement of consolidation value. As to the cost of establishing the business, a casual inspection of the component items is enough to show these to be such costs as in the normal, actual development of the street railway system are considered a regular part of operating expenses, are paid for out of operating revenues, to whatever extent they are actually incurred, and that such will continue to be the case with any growing system. "Consolidation value" presents a somewhat different concept. It is not represented to be measurable by any costs incurred, but is frankly a capitalization of added earning power alleged to be due to the component companies being associated into one system. It is measured by savings and by added revenues (both capitalized at 8 per cent), and thus takes on the nature of a reward for efficiency considered to be due to the consolidation. It is at least debatable whether such efficiency is anything beyond what the companies are supposed to render, and hence whether any special reward must or should be granted; and if it is to be rewarded, whether instead of capitalizing the results the reward should not take the form of a component of the rate of return or a bonus to the managers, officials or others directly responsible for the increased efficiency. It might also be pointed out that the Twin City consolidation is over thirty years old, and that at least since 1900, when the records are available, the returns to the Minneapolis company have been very satisfactory. In the "emergency" rate case in 1921 the company showed its earnings over operating expenses, depreciation and taxes to have been $31,431,316 for the 21-year period, 1900–1920; dividends paid on the capital stock of $5,000,000 —for which only $50,000 could be found to have been paid when issued— were $16,298,425, or an average of 15½ per cent per year. For this period, at least, any efficiency brought about when the companies were consolidated would seem to have been already handsomely rewarded.

Whether measured by costs or not, both elements of going value are fundamentally aspects of earning power and depend upon the very rates that are the matter to be determined.

Before leaving the subject, it seems appropriate to quote Federal Judge Hutcheson, of the Southern District of Texas, whose decision in the district court was affirmed by the supreme court, in the case previously referred to: "In short, when 'going concern' is stripped of its involvement and obscurity, its attractive names and titles, it presents itself on the one hand where the past record of the utility has been profitable, as nothing more than good will, which the courts have always refused to allow, and, on the other hand, where the past record has been unprofitable, as nothing more than an effort to capitalize errors and misfortunes, as to the impropriety of which the decisions of the supreme court are equally clear."

The foregoing has been presented in some detail as a concrete illustration of the groping on the part of public utility companies for something like a definite basis to support claims for going value. These particular propositions have as yet no other official weight than that they have been presented in evidence. In most utility cases where going value has been allowed as a separate item, a very specific basis, other than a round percentage of "physical value," has been lacking. It is probably for the better that detailed bases for going value should be presented, thus tending to make the matter more specific and even to strip it of the "involvement and obscurity" of which Judge Hutcheson spoke.

THE PAY-AS-YOU-GO PLAN

By GAYLORD C. CUMMIN
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The pay-as-you-go plan is costly for the taxpayer and ignores the wealth-producing capacity of wise public improvements. :: ::

Before beginning a discussion on its merits of the much discussed pay-as-you-go plan for financing public improvements, it will prove illuminating to touch briefly on the entire subject of such improvements, the reasons for making them, their character and their results, together with the various means of financing employed and the advantages and disadvantages of each.

There are two kinds of public improvements of a "permanent" nature. There are necessary and wise public improvements and unnecessary and unwise ones. Since evidently an unnecessary and unwise improvement should not be made at all, the discussion of the most economical method of financing it would be foolish. Our discussion will, therefore, be understood to refer only to improvements which are wise and necessary.

THE WISDOM OF BORROWING

Necessary public improvements are those which fill a community need, whether it be street improvement, sewer, park, schoolhouse or city hall. To be wise the improvement must be a good investment for the community, *i.e.*, must furnish service or facility of a value in excess of the cost or must actually create wealth in excess of the cost, singly or in combination. Thus, the pavement of a street that should be paved, not only saves money in considerable amount for all using the street by reducing the actual cost of transportation, but it also adds value even greater than its cost to the property served, that is, creates wealth directly. A park not only is of indirect value to the community served—it also adds substantially to the value of surrounding property. A wisely designed and constructed city hall provides working quarters for the operating departments at a smaller annual cost than the annual rental which would be charged for similar space in private buildings. Unless a public improvement meets the test of paying direct or indirect returns in excess of the cost, it should not be made and therefore, should not be financed.

There is nothing financially unsound in borrowing money on bonds or notes in order to provide funds for worthwhile improvements, if the term of the bonds is less than the reasonable life of the improvement and if adequate provisions are made for paying such bonds at maturity either by the serial or the sinking fund method. If the improvement is necessary and wise it will either save the money or create the value to pay the debt and interest. It is not a case of "future generations paying," but of the improvement itself paying. Future generations only pay in an undesirable sense, for the "dead horses," the fifty-year bonds for ten-year improvements, the refunding bonds, the bonds where the earnings of the improvements were not used to pay for them during the life of the improvement, but where the future generation is left with a debt and no improvement. There is plenty of this kind of financial mismanagement in the country, but it should not be confused with the case of a properly financed improvement where bonds are issued, and where the burden on future generations is more than counterbalanced by the benefits and wealth created.

METHODS OF PAYING FOR IMPROVEMENTS

While all public improvements are paid for by direct or indirect taxes one of three general methods is generally employed, viz:

(1) All improvements paid for by taxes of the current year,
(2) All annually recurring improvements paid for from current taxes, and other improvements by the issue of bonds, or
(3) All improvements paid for by the issue of bonds.

The first two, because the second is really only a special case of the first, are called pay-as-you-go methods; the third might properly be called the pay-as-you-benefit method.

Advocates of the pay-as-you-go plan claim that it saves money as compared with financing by bond issue and that it discourages "extravagance." If the first claim is true, no more need be said; but if it should prove that pay-as-you-go is more expensive, then the bond method of financing the last claim would have no standing. Very evidently any method of curbing a tendency towards extravagance by making it more difficult and more expensive to finance the improvements needed by a community is "cutting off the nose to spite the face"; it is simply another effort to accomplish automatically by law something that the public has neither the energy nor the nerve to fight out on its merits. The real question, then, is of the comparative economy of the pay-as-you-go method of financing.

PAY-AS-YOU-GO LOOKS ATTRACTIVE

On the surface this plan looks very attractive. By not borrowing money all payment of interest is saved. As this amounts to 200 per cent on a 5 per cent 40-year bond issue the saving seems large. It is true that the taxpayer must pay out more dollars for the same improvement to cover the principal and interest of a bond issue, but do these added dollars represent increased expense to the taxpayer? Let us look into the matter closely—why do we pay interest? Interest pays for the use of money during a fixed period. It has nothing to do with the cost of the improvement. Interest is what is paid for the "hire" of money, it is the "wages" of money. Now the rate of interest that must be paid is dependent primarily on the credit of the borrower. The better his credit, the lower the rate. The credit of a state or municipality is usually of the best. It commands a considerably lower rate of interest than the credit of an individual and an equal rate to that of the best industry. The state and municipality also enjoy an advantage that the individual and industry does not, namely, the income from securities of states or their political subdivisions is exempt from the Federal income tax. This feature plus the present high surtaxes on large incomes gives the public security an advantage in interest rate of about one per cent over the highest class rail or other security, and much more than that over the rate that would have to be paid by an individual. What we are really doing when we, as a community, borrow money on bonds is to substitute the community's credit plus its tax-exempt advantage for the individual's credit. The community can borrow more cheaply than can the individual taxpayer. If the community can defer a payment by sound financial methods for one year by paying 4½ per cent and save the taxpayer either from borrowing the money to pay his taxes at 6 per cent or giving him a year's use of his money on which he can earn 6 per cent, the taxpayer profits to the extent of 1½ per cent.

To the business man or industry that earns more than 6 per cent on its money the saving would, of course, be proportionally greater. The greater the length of time the payment is deferred, the greater the profit to the taxpayer.

The discussion of public finance rarely takes into account that the use of the taxpayer's money is worth anything to the taxpayer. The number of dollars that appear on the tax roll are alone considered and the fact is entirely lost sight of that an increased number of dollars on the tax roll may mean an increased number of dollars in the taxpayer's pocket. The pay-as-you-go plan is a notable example of this type of oversight. Its apparent economy is based upon the erroneous premise that the use of the taxpayer's money is worth nothing to the taxpayer. For example:

EXAMPLE OF ALTERNATIVE USE OF TAXPAYERS' MONEY

The cost of a $100,000 improvement paid for from current taxes is evidently $100,000, but paid for from a 20-year serial bond issue bearing 4½ per cent does not cost more but *less than $100,000, i.e.*, $89,525 if we conservatively figure the use of the taxpayer's money as worth 6 per cent to him. To get the true cost to the taxpayer the present worth of each deferred payment, principal and interest, must be computed. Thus the first payment at the end of one year would be $5,000 principal, and $4,500 interest, a total of $9,500. But, as the taxpayer has had the use of his money for that year at 6 per cent, the present cost to him of that payment due one year hence is not $9,500, but only $8,950, *i.e.*, if he paid $8,950 at the beginning of the year he would be just as well off as if he paid $9,500 at the end. As compound interest gets in its mighty work in determining the present worth of a future sum, the present worth, or cost in this case, decreases more and more rapidly as the time increases. Thus, while the present cost of the $9,500 due in one year is $8,950, the present cost of the

$40,000 40-Year 5 per Cent Serial Bonds

Year	*Principal*	*Interest*	*Total*	*Present Worth*
1	$1,000	$2,000	$3,000	$2,820
2	1,000	1,950	2,950	2,590
3	1,000	1,900	2,900	2,380
4	1,000	1,850	2,850	2,175
5	1,000	1,800	2,800	2,000
6	1,000	1,750	2,750	1,835
7	1,000	1,700	2,700	1,675
8	1,000	1,650	2,650	1,540
9	1,000	1,600	2,600	1,410
10	1,000	1,550	2,550	1,290
11	1,000	1,500	2,500	1,190
12	1,000	1,450	2,450	1,090
13	1,000	1,400	2,400	995
14	1,000	1,350	2,350	910
15	1,000	1,300	2,300	835
16	1,000	1,250	2,250	765
17	1,000	1,200	2,200	700
18	1,000	1,150	2,150	635
19	1,000	1,100	2,100	580
20	1,000	1,050	2,050	530
21	1,000	1,000	2,000	485
22	1,000	950	1,950	440
23	1,000	900	1,900	400
24	1,000	850	1,850	365
25	1,000	800	1,800	330
26	1,000	750	1,750	300
27	1,000	700	1,700	275
28	1,000	650	1,650	250
29	1,000	600	1,600	225
30	1,000	550	1,550	205
31	1,000	500	1,500	185
32	1,000	450	1,450	165
33	1,000	400	1,400	150
34	1,000	350	1,350	135
35	1,000	300	1,300	120
36	1,000	250	1,250	110
37	1,000	200	1,200	100
38	1,000	150	1,150	90
39	1,000	100	1,100	80
40	1,000	50	1,050	70
Totals	$40,000 (1)	$41,000	$81,000 (2)	$32,425 (3)

$7,475 due at the end of the tenth year is only $4,175 and that of the $5,225 due in the twentieth year only $1,635.

Within the past year there has been rather wide publicity given to a pay-as-you-pave plan for financing highway construction in San Diego County, California, which is claimed to reduce the cost of construction at least 50 per cent as compared with the cost under a 5 per cent 40-year serial bond issue. Interest on the bonds is considered as part of the cost of construction, which it certainly is not. Pausing briefly to comment on the financial absurdity of issuing 40-year bonds for 15-year roads we will use their figures in detail to show by computing present values the apparent saving made by this "revolutionary" method, as against the real loss to the taxpayers of San Diego County. The bond issue is figured at 5 per cent, and as California is a high interest rate state the taxpayer's money will be figured as worth 7 per cent although 8 per cent would be nearer the truth.

Total (1) equals the cost on a pay-as-you-go basis, total (2) is the actual number of dollars that will be paid out for principal and interest during the 40-year period and the *apparent* cost of the bond issue method, total (3) is the actual cost of the improvement to the taxpayer by the bond issue method. The San Diego example uses a bond issue of $1,250,000 or 31.25 times $40,000 and by charging $20,000 for a bond election shows apparent savings of $1,313,000 by the pay-as-you-go method. The actual loss to the taxpayer is $236,720 − 20,000, or $216,720, as compared to the bond issue method. Thus goes another panacea.

Now let us consider the special case of appropriating from current taxes for an annually recurring amount of public improvements. Assume that a city has followed the practice of issuing $100,000 in 4½ per cent 20-year serial bonds each year for street improvements. It is evident that after twenty years of such a policy the annual payment will be $100,000, plus $4,500 interest. It looks, on the surface, like real economy to appropriate from current taxes 100,000 each year and save the interest, but what really happens?

We will assume that a city has been financing an annually recurring expenditure of $100,000 with 20-year 4½ per cent serial bonds and desires to compare the continuance of this policy with paying $100,000 per year direct from taxes. It is evident that under both plans the interest and principal on the serial bonds outstanding will have to be met, this being $147,250 the first year, and $5,225 the twentieth year. If the serial bond method is continued, the necessary payment each year in actual dollars will be $147,250. If the pay-as-you-go is started, it will be necessary to pay out $147,250, plus $100,000, or $247,250, the first year diminishing to $105,225 in the twentieth year, the payment not becoming less than that required under the serial method until the fourteenth year. This means, of course, that more actual dollars will have to be paid out in taxes for the first fourteen years under the pay-as-you-go than under the serial bond method.

As the principal and interest payments on the bonds outstanding at the start are common to both methods, they will offset each other in making a comparison of actual cost. Here again appears the factor of the value of the use of the taxpayer's money to him. Figuring the present value of future payments on a 4½ per cent serial bond basis with the taxpayer's money figured at 6 per cent, it was found above that a $100,000 bond cost the taxpayer only $89,525. Under the pay-as-you-go it would cost $100,000. There would thus be an actual loss to the taxpayer of $10,475 each year under the pay-as-you-go plan as compared with the serial bond plan in this case also. This means that the inauguration of the pay-as-you-go plan is committing the community to a 10½ per cent loss on all future bond issues (on the assumption of 20-year 4½ per cent serials with the value of the taxpayer's money at 6 per cent as the alternative).

So much, then, for the purely financial aspects of the pay-as-you-go plan, but there is still another rather vital objection to it which affects the material condition of our communities. If only such improvements are made as can be financed direct from current income, there is grave danger that the community will be forced to do without many needed improvements which would pay for themselves many times over, just because the present tax roll cannot stand the strain. This would be regarded as a shortsighted and fatal policy by a private industry. Why, then, should it be looked upon as desirable for a public corporation? The fact is that the pay-as-you-go plan looks like a method for legislating economy in expenditures. It is impossible to substitute statute for brains or good judgment without inevitable loss. There is no such thing as an automatic self-acting scheme for preventing extravagance public or private. To deprive a community of a needed improvement within its means in order to follow a theory or discourage "extravagance" by making improvements cost more, is both foolish and expensive.

The most sound and economical way of financing public improvements is by the issue of serial bonds or notes of term less than the reasonable life of the improvements for which they pay. The only effective control for "extravagance" is intelligent, painstaking citizen and official scrutiny of proposed improvements.

To recapitulate briefly:

1. The pay-as-you-go plan of financing public improvements is far more costly to the taxpayer than any other financially sound method.
2. The pay-as-you-go plan for annually recurring improvements places a heavy burden on the present taxes and entails exactly the same losses that occur in the first case.
3. The pay-as-you-go plan neglects the wealth producing quality of wisely-made public improvements as a factor in paying the cost.
4. The pay-as-you-go plan only discourages "extravagance" by making it difficult and costly if not impossible to secure needed public improvements.

CHARLESTON BREAKS WITH THE PAST IN PUBLIC WELFARE WORK[1]

BY CARL E. McCOMBS, M.D.

Charleston's (South Carolina) charter dates from 1783. Her methods and ideals of public welfare administration were those of a century ago; but she has recently taken steps toward the establishment of new standards. :: :: :: :: :: :: :: ::

To understand public welfare administration in Charleston, as it existed at the time of this survey, it is necessary to keep clearly in mind the fact that the basis of to-day's city government is the charter of 1783, and that in its essentials the framework of government is still what it then was. About all the citizen of those days asked his government to do was to protect his life and property. Having done that he considered that the responsibilities of government had been met. Those capable of shifting for themselves were to be left to work out their own destiny and those who could not shift for themselves were to be put into institutions where they would be out of the way. For the administration of these necessary-to-protection measures, the citizen felt naturally that he could best rely on committees or boards of his fellow citizens, because, since no one had technical training in administrative procedures, "two heads were better than one." He had, moreover, distrust of "one-man power," and anything savoring of concentration of government authority and responsibility was frowned upon.

These ideas of the earlier community have largely determined municipal policy of Charleston with respect to public welfare. That government should take an active part in the adjustment of the social and economic relations of citizens has been regarded by many as a radical departure from the fundamental principles. Administration of municipal activities by unpaid boards and committees, composed of well-intentioned but often inexpert citizens, has been considered sound administrative practice. Institutional care of all those classed as unable to shift for themselves has been endorsed as the best way to deal with these liabilities. A sincere reverence for the social and political ideals of the leaders of former days has been a matter of more than mere sentiment. One may admire the loyalty of Charlestonians to their ancient modes and customs, but loyalty to tradition in the field of public welfare has meant the perpetuation of agencies, institutions and practices that are not and cannot be satisfactorily adjusted to meet to-day's social requirements. Charleston is decidedly and agreeably different from the typical American city, and the writer, at least, hopes that it always will be different. It is stimulating to find an American community with old world character and charm. But in order that Charleston may become something more than a mere storehouse of antiquities, architectural and institutional, it must recognize the responsibility of government to deal with the complex problems of modern social relations.

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[1] The facts upon which this article is based were drawn from a recent survey of the city government of Charleston made by the staff of of the New York Bureau of Municipal Research. . . .

THE WELFARE PROBLEM

It was clear to the investigators from the very beginning of the survey that one of the most vital needs of the city was a more adequate and efficient organization for the prevention of disease, dependency and delinquency. The problem of constructing and setting in operation the administrative machinery necessary to accomplish this end was by no means one easy to solve. The hereditary conception of city government as the embodiment of police power needed to be changed; new ideals of public service had to be substituted for the ancient ideals of personal privilege; the public generally had to be convinced that many of its ancient customs and institutions were not entitled to the reverence and respect that had so long been accorded them; the long accepted policy of committing the administration of many essential welfare activities of the community to private agencies and institutions subsidized but uncontrolled by the city government had to be reconsidered; the responsibility for administration of strictly municipal welfare activities divided as it was among a number of highly respected but independent citizen boards and committees had to be more clearly defined and more definitely fixed. The argument for these radical departures from commonly accepted principles and practice was easy to develop from the facts available. The difficulty was rather one of selling a program to the community, which involved a considerable extension of government service into fields which had hitherto been regarded as private rather than public domain. It is to the credit of Charlestonians, however, that once the facts had been laid before them and the proposed program clearly outlined, the charge that Charleston had failed to meet its responsibilities for the public welfare was generally admitted, and proposals for a new alignment of social activities were given a fair hearing.

SOCIAL AND ECONOMIC CONDITIONS

Charleston is a city of about 70,000 population divided about equally between whites and negroes. Social and economic conditions among the negroes are steadily improving, thanks to the development of better opportunities for the education of negro children. The negro is still, however, in the main, dependent wholly upon his white master. Opportunities for the employment of negroes in business or trades which will guarantee them self-support and self-respect are lacking in Charleston, for the city has practically no large industries. The negro is not favored for employment in municipal work, although in many municipal services he could be efficiently used. For the same kinds of service rendered by whites, the salaries and wages of negroes are materially less. Equality in labor even of the lowest grade is no more possible than social equality.

Disease takes heavy toll of Charleston negroes, the general mortality rate being about double that of the whites. Because of the tremendously high infant mortality rate of negro babies, Charleston had in 1922 the highest infant mortality rate of any city of its class in the United States. Venereal disease is a major contributor to maternal and infant mortality and takes heavy toll of physical and mental competency of whites, as well as negroes. Tuberculosis and pellagra, both of which inevitably accompany economic incompetency and resulting low standards of living, compete with venereal disease for first place in the death records. Negroes are badly housed, badly fed and badly paid when they are employed. They are unemployed much of the time because of physical and mental incompetence, lack of employment opportunity and their own shiftlessness. Under such conditions a high percentage of delinquency and dependency among them is unavoidable. Among the white people the same situation exists, but in less degree; the same conditions making for dependency and delinquency among negroes weigh heavily upon the whites.

EXPENDITURE FOR WELFARE WORK

Although Charleston is exceeded by only six of the fifty-six cities of its class in total expenditure for "charities, hospitals and corrections," and by only seven of these cities in per capita expenditure for such services, according to the report on the Financial Statistics of Cities by the United States Bureau of the Census, it has no municipal program of prevention of sickness, dependency and delinquency worthy the name. In spite of the fact that disease runs riot through the community, prevention of disease has been subordinated in the city's health work to the inspection of garbage cans, ash piles and rubbish heaps, choked drains, weeds in vacant lots, etc. Of the total budget of the city government for health purposes in 1923, almost one-third of it went for the salaries and expenses of a corps of nine sanitary inspectors, which represents by all odds the least productive service in municipal health departments. The old idea of government as a mere policeman is here exemplified at its worst. Charleston needs health education badly. The traditional belief that disease is the direct result of offensive odors, emanations from damp earth and piles of refuse, has not yet been completely dispelled. Only one trained nurse has been employed by the health department. In order to compensate to some degree for this incompetency in health education the city government has contributed $2,000 yearly, a pitiful sum, to the support of a private public health nursing association that is endeavoring to make some headway against disease.

THE CITY HEALTH DEPARTMENT

As an organization for disease prevention the city health department as it existed at the time of the survey represented the discarded health notions and theories of a past generation. The health officer, a physician with about twenty-five years' experience in health work in Charleston, has been for years a mere figurehead. His recommendations for improved health service and those of representatives of the United States Public Health Service who have studied health conditions in Charleston have been constantly ignored by those responsible for providing the means and measures to carry them out. The fact that the city board of health, which is supposed to determine and direct the health policy and program of the city, had held no meetings from February 7, 1922, to December 10, 1923, is indicative of the city government's attitude.

CITY HOSPITAL SERVICE AND COST

The city that fails to provide the necessary measures of disease prevention must, of course, take the consequences, and these were clearly reflected in the city hospital records. There is one public hospital subsidized in the amount of about $100,000 yearly by the city government. The management and control of the hospital is, however, vested in the Medical Society of South Carolina. The hospital is open to both white and colored, free and pay. For the amount and character of public service rendered by the hospital $100,000 is not an extravagant sum; in fact it is much less than the city ought to pay, judged by the hospital's financial statements. The significant thing, is that although there has been a small increase in the city's population since 1917, there has been a relatively great increase in the demand for hospital service, and, what is even more noteworthy, the increase of free service has been out of all proportion to the pay service. In the period of 1917, 1918 and 1919, the war period and immediate post-war period, when wages were higher and employment opportunities for both whites and negroes much better owing largely to the increased activities of the federal government at Charleston, the total service of the hospital was about equally divided between those who paid full rates and those who paid nothing. But in 1920, 1921, 1922 and 1923, the hospital records reveal a quite different situation. Along with a generally increased demand for hospital service there was a tremendous reduction of the number of pay patients. Instead of the 50:50 ratio of free and pay patients of 1917, 1918 and 1919, we find in 1923 only 25 per cent of patients paying their way and 75 per cent supported wholly at public expense. It may perhaps be argued that the tremendous increase, both relative and actual, of free patients is due to the failure of the hospital authorities to prevent abuse of the free service by persons able to pay; it may be and is argued that the present situation is due to better education of the public in the advantages of hospital service and consequently fewer number of persons under private medical care. These and other arguments that might be advanced are plausible and perhaps more than merely plausible, but it is the writer's conviction based on an analysis of health conditions in Charleston, that the real reason for the increasing burden of sickness and its associate dependency, and for the increase of the city budget for "hospitals, charities and corrections," is to be found in the failure of the city government to prevent disease, and to promote economic independence by the measures that have been found effective in other cities.

CHILD CARE IN CITY INSTITUTIONS

A still more serious indictment of previous administrations of the city government in Charleston is their failure to deal intelligently with the city's dependent, neglected and delinquent children. Here again, we must look back for more than a century to discover the origin of to-day's policy. We find it in the establishment in 1790 of the Charleston Orphan House which, as its by-laws declared, "shall be established for the purpose of supporting and educating poor orphan children, and those of poor, distressed and disabled parents who are unable to support and maintain them." What the Charleston Orphan House was in 1790 it still is to-day, in the main, organically and functionally. Its policy with respect to the care of dependent and neglected children shows little more change than the solid, prison-like walls that surround the institution and the heavily-barred gates that cut off the children within from contact with the world outside. The institution houses about three hundred white children of both sexes, and of age from four to sixteen in the case of boys and four to eighteen in the case of girls. These children are admitted on the application of parents or guardians or poor law officers, and are "surrendered and legally bound to the institution." Once transferred to the custody of the institutional authorities, the responsibility of parents and guardians ends—and apparently in many instances there is an end also of their interest in the children.

No criticism can be made that the physical welfare of children has been neglected. They were well nourished, and their health was carefully safeguarded. Within their walled enclosure they were given as good recreational opportunity as is possible, perhaps, for any group so confined. The school maintained by the institution was independent of any relationship to the public education system of the city. Its teachers were for the most part women past middle age, many of whom had themselves grown up in the institution. The instruction of children was uninspired, perfunctory and elementary. No adequate provision was made for the teaching of subjects that presumably might fit children for self-support when they were released. The girls were taught the simple routine of housekeeping, sewing and the like; the boys had an occasional opportunity to help the institutional mechanics. The extent to which the creative impulses of children were developed under the circumstances can be readily imagined. The bare, board floors, the painted and whitewashed walls of their dormitories, the bleak, colorless aspect of their classrooms and playrooms, and the sun-baked, grassless yards, were reflected in the apathetic, unanimated bearing of the children.

The citizens of Charleston have always been proud of the Charleston Orphan House. For more than a hundred and thirty years it has been administered honestly by an unpaid board of commissioners, elected by the city council, who have from the very beginning of the institution represented the best citizens of the community. In fact, membership on the orphan house board has been regarded as a recognition of citizen integrity and worth. Many of Charleston's most revered and honored citizens have served on this board and have devoted their lives to its service, and so criticism of the institution's policy and methods was not to be taken lightly. What the citizens of Charleston have failed to recognize is that the methods of child caring of a century ago are not the approved methods of to-day. Orphanages are happily disappearing. Homes for children no longer mean institutions where children can be herded together and their lives ordered to a pattern. "Home" care of children to-day means actually home care; it means keeping children in their own homes or placing them out in suitable foster homes where they may have the freedom and social contacts with other free children to which they are entitled. It can well be imagined that a proposal coming from an "outsider" to overturn a system of child care that has been so long established and so generally approved by citizens was not received with universal acclaim. But as the evidence developed that the child product of the orphan house made up a large percentage of the juvenile delinquents of the city, the situation assumed a different aspect.

As might be expected, the system of child care which finds its expression in the Charleston Orphan House is also exemplified in the other orphanages administered and supported in whole or in part by the city. The City Orphan Asylum, which accommodates about seventy white children of both sexes, has apparently followed the lead of the older institution. The same procedure of admission and discharge has been followed out, and there has been little difference in educational methods. The City Orphan Asylum is, however, conducted by Sisters of the

Catholic Church, though administered by a board appointed by the city council and financed mainly from public funds. It was explained that this plan was adopted in order to give the institution recognition as a public institution and thereby silence criticism that might be made of donations of public funds to strictly sectarian purposes. The situation has not, however, been changed by the nominal recognition of the institution as a municipal enterprise. From the standpoint of public policy, the maintenance by the city government of an institution sponsored and actually directed by church authorities is difficult to justify. It is fair to say, however, that this relation between the city government and the church authorities has been maintained for several years without friction and without public criticism. It must be said, also, that the child inmates of the City Orphan Asylum appear to have a much better time than those in the non-sectarian Charleston Orphan House. There is indeed something approximating home care and homelikeness in the former institution that is lacking in the latter. Nevertheless, its children are institutional inmates in all that the word implies as a characterization of the typical orphanage system.

Still another orphanage problem had to be considered—that of the Jenkins Orphanage or Industrial Home for Colored Orphans. This institution, founded and maintained almost single-handed by the Reverend Jenkins, a colored preacher, was in many respects the most interesting of the lot. Colored children from anywhere and everywhere were received at the Jenkins Orphanage with the consent of their parents and guardians. The mayor appointed a board of commissioners who were legally responsible for the administration of the institution, but since the city contributed only $3,000 for the support of its inmates, the city's responsibility was in fact merely nominal. The Reverend Jenkins ran the institution, and in order to secure sufficient funds to do so he was obliged to exploit the children. He obtained a little money from the operation by inmates of a printing shop, shoe repair shop, clothes cleaning and pressing shop, the sale of an institution newspaper, etc., but the chief source of revenue was from bands and orchestras of colored boys which toured the country and had even been taken on European tours. However one may deplore the exploitation of children for their own maintenance, it can at least be said of this institution that its product, making due allowance for fundamental differences in mental capacity, was far better fitted for self-support than the product of the more pretentious orphanages for white children. On the farms which are adjuncts of the institution, negro boys and girls have been taught farm occupations and given a taste of the pleasures of life next to nature. They have been taught useful trades in the institution's shops, and when they went out into the world they did not go entirely empty-handed. Their musical training may not have been of highest technical order, but the children of the Jenkins Orphanage did have an opportunity therein for self-expression that was denied the children of other orphanages better maintained.

THE JUVENILE WELFARE COMMISSION

Given a system of child caring that emphasizes institutionalism, there was naturally little opportunity for the juvenile welfare commission of the city to function efficiently. This agency which was of comparatively recent origin represented the first attempt on the part of the city government to provide scientific study and treatment of the problems of juvenile delinquency and dependency. Although the members of the commission were thoroughly cognizant of local problems, their appropriation for salaried workers has been too small to permit intensive study of them. Since the care of dependent children has been almost wholly a responsibility of the various orphanages, the work of the juvenile welfare commission has been limited in the main to juvenile delinquency. That this is a most serious problem in Charleston was conceded by all. The chief of police stated that in his judgment the prevention and detection of juvenile delinquency in Charleston was more important than any other police activity. Since there was no proper place for the detention of juvenile delinquents, they were either paroled by the court in the custody of the juvenile welfare commission, which was inadequately equipped for parole and probation work, or they were jailed with other offenders. To complicate matters for the juvenile welfare commission, the police department had a women's bureau which assumed a certain responsibility in dealing with girl delinquents, and there was also a special "juvenile officer" appointed by the mayor and assigned to the police department who was held responsible for co-operation between the police and the commission. There was no juvenile court in Charleston, but the probate court was responsible for juvenile court functions. Under such a system of divided responsibility for the prevention and treatment of child delinquency and dependency, and in view of the inadequate financial support given it by the city government, the juvenile welfare commission has been sadly handicapped from its beginning. It has, however, been successful in setting up new ideals of community responsibility for child care and in developing co-operative effort on the part of a large number of private social agencies that formerly found little in common.

DAY NURSERY AND KINDERGARTEN WORK

In addition to the agencies and institutions for child care already described, several private agencies including a day nursery, so called, and three kindergarten associations were granted small sums of money by the city for charitable purposes. The day nursery was, however, not a day nursery in the commonly accepted understanding of the term; it was only another institution where about twenty-five small children, whose parents for one reason or another were incapable of caring for them, were kept—not by the day, but permanently until they could be returned to the parents or otherwise provided for. No responsibility for the administration of this institution was, however, assumed by the city government.

ADULT DEPENDENTS AND RELIEF WORK

The relief of adult dependents has been mainly institutional. The city maintains two homes for the aged and indigent, one for whites, another for negroes. Nothing was found particularly worthy of comment at either of these two institutions. They were typical of almshouses generally. Each had a board of commissioners elected by the city council and a superintendent appointed by its board. No outdoor relief was furnished directly by the city to dependent negroes, but once a week at the Charleston Home, the city almshouse for whites, there was a distribution of rations for white "outside pensioners." A ration comprised "one pound of butts and four pounds of grits or meal" and as many rations were furnished the outside pensioner as there were members of the family to be fed. At the end of three months, the outside pensioner was examined by a member of the board who determined whether or not he should remain a pensioner for another three months. There was no competent investigation of the circumstances or needs of the pensioners nor any attempt to do anything more than fix their capacity for rations and right to them.

To supplement these relief measures the city contributed $1,500 annually to the private Associated Charities of the city, which represents a large number of private philanthropic agencies, chief among which is the Ladies Benevolent Society, said to be the first organization to do health nursing work in the United States. It is not surprising that in a city of Charleston's traditions, co-operative effort in philanthropy has made relatively little headway. There is a "confidential exchange" of information between the various relief-giving agencies, but as yet each prefers to deal with its own problems in its own way. Neither the Associated Charities nor the "Confidential Exchange" has been able to do more than make a beginning at the problem of public dependency in Charleston.

SITUATION SUMMARIZED

To sum up the situation, as it has been briefly outlined in the preceding paragraphs, the public welfare activities of the city government were at the time of the survey carried on by seven independent municipal boards or commissions, namely, the board of health, three boards administering orphanages, two boards administering homes for the aged and infirm indigents, the juvenile welfare commission, and seven other agencies privately administered but subsidized by the city, namely, the public hospital, the Public Health Nursing Association, the Associated Charities, a day nursery and three kindergarten associations. It was obvious that until these various agencies could be drawn together in a common program which would emphasize prevention of disease, dependency and delinquency, there was little hope of any radical improvement either in institutional policies or methods.

THE REORGANIZATION PLAN

The reorganization plan proposed as best calculated to produce this result was to abolish all existing municipal boards and commissions and transfer their powers and duties to a single board of health and welfare in charge of a department of health and welfare. This particular designation of the board was necessary in order to satisfy the public health law of the state, which decrees that there shall be "a board of health" in Charleston. Under this new board of seven members, including two women, appointed by the mayor and confirmed by council, it was proposed to establish two bureaus, namely, a bureau of health and a bureau of social welfare, each with a full-time director. The bureau of health, as planned, was to include all existing divisions of work plus a new division of child hygiene in which would be incorporated the private Public Health Nursing Association's staff of nurses. Provision was also made for the expansion of communicable disease work, particularly with respect to tuberculosis control. The bureau of social welfare was designed to include two divisions, a division of child care to take over the work of the juvenile welfare commission and a division of family social work. The latter division was intended to provide for investigation of all cases of public dependency and the determination of the method of dealing with them. Trained social workers only were recommended for employment in the bureau of social welfare. It was further recommended that, given such an organization, the city discontinue all lump-sum subsidies to private social agencies of whatever nature, and that the city hereafter pay for such service as might be rendered by private agencies and institutions in behalf of proper public charges, at rates and under conditions to be approved by the board of health and welfare.

ADOPTION OF PLAN

The foregoing plan of organization, after considerable discussion in the press and in the city council, was approved by the council and an ordinance was passed that provided for the creation of the new board and department of health and welfare as recommended, and the abolition of all existing boards and commissions except the board of the Charleston Orphan House and the board of the City Orphan Asylum. Public sentiment and political and other considerations were apparently against the elimination of these two boards, although those most familiar with the modern methods of child care strongly advocated their elimination. While the new organization has been legally authorized, it has not yet been made effective. Apparently, considerable difficulty has been encountered in selecting the board. Several capable citizens who have been asked to serve as members of the board have declined the honor. Obviously, the new program is going to meet with considerable opposition from those who still hold that the old ideals are best, and who still consider the municipalization of public welfare an experiment. The opposition to the plan has been most marked among those who have for so many years endorsed the orphanage system. It was too much, perhaps, to expect that a system that has had public endorsement for more than a century could be reorganized in a fortnight. But Charleston has been thinking things over, and if nothing results from the survey except public discussion of the facts, the survey will have been well worth while.

GOVERNOR DONAHEY AND THE OHIO MAYORS

BY WILLIAM H. EDWARDS

One of the activities of Governor Donahey of Ohio should be of special interest to our readers. This is the vigorous exercise of his power to remove mayors of Ohio municipalities. :: :: :: :: ::

Prior to Governor Donahey's administration there were only three cases of the removal of a mayor of an Ohio municipality by the governor, although the governor was granted the power to do so in the Municipal Code of 1902. This code provides that the mayor may be removed in case of misconduct in office, bribery, gross neglect of duty, gross immorality or habitual drunkenness. The governor is empowered to remove a mayor after giving him notice of his intentions and affording him a full and fair opportunity to defend himself in a public hearing. The decision made by the governor after the hearing is final.

The first case of actual removal of a mayor was during the administration of Governor Harmon (Dem.) in 1911, when Mayor Atherton of Newark was removed. Governor Cox (Dem.) in 1919 removed the mayor of the city of Canton, Mr. Charles P. Poorman. Again, in 1921, Governor Davis (Rep.) removed the mayor of Newark (the son of the mayor removed by Governor Harmon in 1911) because of his laxity in the enforcement of the liquor laws. Governor Donahey, however, had been in office only a few weeks when he suspended the mayor of Massillon, and within less than five months he warned more than a dozen mayors that if they did not change their methods of conducting their offices they would be removed.

In following the interesting and often dramatic phases of Ohio's conflict between the state and the municipality, one should keep in mind the issues which underlie the controversy. The first question which arises is: Should the governor have the power to remove mayors in his state? Secondly: If the governor should possess this power, how should he exercise it? Another vital question which usually arises in connection with these two is whether the governor should be responsible for law enforcement in the municipalities of the state. Those who maintain that he should be responsible hold the theory that the central state authority should control or at least check the policies of the municipalities, especially since these city officials are charged with the double function of executing both state and municipal laws. It is not the purpose of this paper to give a final answer to these questions, but merely to describe the bitter struggle which has been going on in Ohio in an effort to solve them.

GOVERNOR DONAHEY HIMSELF

In order to understand the situation, one must know something of the character of Governor Donahey himself. His conduct as Ohio's executive has been characterized by prompt and vigorous action. Indeed, because of his rejection of so many measures passed by the Ohio solons at the last session of the legislature, he has been given the nickname of "Veto Vic."

At various times he has gone before the legislature demanding that it should either grant certain state departments, commissions and divisions sufficient power for them to fulfill their purposes, or else abolish them. His vehement denunciation of the Ohio Senate, and particularly of the president of that body is especially characteristic. In his first message to the legislature, he explained his stand on law enforcement in words which were unmistakable. He declared, "We should enforce all the laws of the state with equal vigor with the belief that the best way to secure the repeal of bad laws is by their strict enforcement." He has often made the statement that it is not left to his discretion to determine what laws should be enforced and what laws should not.

THE CASE OF MAYOR VOGT

On January 18, 1923, Governor Donahey suspended Mayor Herbert H. Vogt of Massillon for thirty days pending final removal or reinstatement. The governor charged Vogt with misconduct in office, nonfeasance in office, and gross and willful neglect of duty, and informed him that if he wished to answer the charges he might appear at the governor's office on February 13, 1923, at one o'clock. Mayor Vogt submitted a written statement to Donahey asking for dismissal of the charges and reinstatement as mayor. He maintained, in the first place, that the law providing for the removal of mayors by the governor was unconstitutional because it did not provide for summary process for the issuing of subpoenas for witnesses, nor for the payment of witness fees and other costs, nor for the authority to compel attendance of witnesses, nor for the swearing of witnesses and the taking of sworn testimony at hearings, nor for review in any judicial forum. In the second place, he maintained that he was denied a full and fair public hearing as provided by law, for neither the affidavits said to be on file with the governor nor the names of their signers were disclosed, and, moreover, the names of witnesses, who were alleged to have made some of the charges, were kept secret. He asserted, therefore, that he was unable to defend himself properly. He maintained, in the third place, that all charges in the statement of causes were untrue, that all statements of fact in the charges were false, and that, on the other hand, he had prosecuted all law violators.

In support of this third contention he discussed at length the large number of arrests made, declared that a considerable proportion of them were for liquor violations and asserted that all of them were made in spite of the inadequate police force and that the city council had refused his repeated requests for an adequate force. Furthermore, he pointed out to the governor that Columbia Heights, where so many murders had occurred, was not under his jurisdiction and that all murders occurring under his jurisdiction were promptly prosecuted. He stated that, on the other hand, he had made a vigorous fight for lower telephone rates and for the annexation of Columbia Heights in order that it might be given adequate police protection. He declared that before his reëlection in 1921 wide publicity was given to charges against him which were identical with those made by the governor and that, in spite of the electorate's knowledge of these charges and in spite of the vigorous campaigns of his Republican and Democratic opponents, he was reëlected by almost a majority of all votes cast. He insistently maintained that, because of the many reforms which he had attempted to bring about, the special interests concerned had waged a virtual war against him ever since he had become mayor. They had made charges before Governor Harry Davis and before the city council, but without avail. They had also attempted to secure a commission form of government in order that he might be removed as mayor. He declared that he had resisted these attacks, not only because he considered them personal attacks, but because he considered them a blot upon the fair name of his city. In closing his statement he denounced the "base and false charges" of his "calumniators, who did not dare to disclose their identity." But the mayor's pleas before Governor Donahey were in vain; and after a final hearing on March 1, 1923, he was permanently removed from office.

Subsequently Vogt fought for reinstatement, taking his case before the Ohio supreme court. His attorneys maintained that the court could determine whether the evidence was sufficient to sustain the charges; and that the governor, under the law, was given far from arbitrary powers to remove mayors of municipalities. They maintained also that any action taken by the governor not in conformity with the laws and outside of his jurisdiction was void. Hence the mere filing of charges and granting of a hearing which did not produce any valid evidence was not sufficient for removal, and the removal of Vogt, therefore, was void.

The decision in this case, *Vogt* vs. *Donahey* was made June 28, 1923. The majority opinion, after citing the facts concerning the removal of Mayor Vogt, said, "We have examined the record and find the greater portion of the evidence to be either hearsay evidence or evidence relating to misconduct, nonfeasance or gross and willful neglect of duty during a term of office which had expired, all of which was wholly incompetent." Nevertheless, the decision held that inasmuch as the governor was the sole arbiter of the facts in such a case, the legislature having made his decision final, the court assumed that his judgment was based upon competent evidence, even if such was not disclosed. In denying the writs, the decision concluded that there was "some evidence tending to support" the charges, though the court declared it would not convict upon such a quantum of proof.

In connection with the charge that the mayor was guilty of misconduct in office in the selection of his chief of police and other police officers, an interesting point on home rule was advanced. The court declared, "It is sufficient to say that we know of no provision of law which authorizes the mayor to appoint his chief of police and other law enforcement officers—by and with the consent of the governor." The "appointment of police officers is purely a matter of local self-government, and, while the mayor of a city may be called to account for the conduct of such officers of which he has knowledge, he may not be removed from office by reason of the past history or the general character of such appointees." And the decision adds, "It is not the purpose of the provision of the constitution requiring the legislature to enact laws providing for the prompt removal from office of officers guilty of misconduct or of the legislature in the enactment of sections 6212–34, and 4268 of the General Code prior to the adoption of the constitutional provision, to invest the governor of the state or any other tribunal with a veto power upon the right of electors of the municipality to elect its own city officials, the right being to remove for cause, which cause must arise during the term and subsequent to the exercise of the power to elect vested in the electors of a municipality."

In addition to the majority opinion, there were two other opinions offered, one concurring and one dissenting. Chief Justice Marshall in his concurring opinion contended that the removal power was purely administrative and, therefore, immune from any subsequent judicial action. In his dissenting opinion, Justice Jones stated that "the great mass of the testimony against the mayor related to misconduct in a previous term and was therefore incompetent." The outcome of the matter was that the court denied both the quo warranto and mandamus writs and, therefore, Vogt's final efforts were unavailing.

SUBSEQUENT ACTION BY THE GOVERNOR

Following the removal of Vogt, Governor Donahey sent a series of warnings in rapid succession to mayors throughout the state. Up to July 11, 1923, five mayors were threatened with removal, and on that date, the governor sent letters of warning to the mayors of Chauncy, Logan, Haskins, Chagrin Falls, Put-in-Bay and Newark and also to the sheriffs of the counties in which these towns were located. All of these letters stated that the officials addressed must enforce the laws of the state with greater diligence, particularly the liquor and gambling laws. The governor referred to petitions from citizens' committees regarding conditions existing in the various communities, and requested weekly reports which would inform him what the officials had done and what they intended to do to improve conditions. He also asked for their coöperation in his attempt to drive the slot machines and other petty gambling devices out of the state, referring to his proclamation of May 23, 1923, in regard to gambling, and declaring that it was the duty of the officials addressed to assist him in eliminating conditions which tended to "demoralize our children," and to help him to make Ohio "a better state in which to raise our boys and girls." His policy of law enforcement was further shown in his letter to Mayor Post of Salem when he said, "I am not responsible for the law that calls upon the governor to remove derelict public officials, and I do not propose to make a police court of the governor's office, but unless you, within the next thirty days, appoint a new chief and purge your police department and make honest efforts to enforce the laws of our state, such steps will be taken as are incumbent on the governor." Again, in his letter to Mayor Grall of Lorain, he said, "You and I may not be responsible for the laws as they exist, but, as executives, having taken our oath of office, we must fearlessly do our full duty in the enforcement of the laws as we find them." He was particularly emphatic in his warning to Mayor Orr of Newark, who, it will be remembered, was the successor to Mayor Atherton, previously removed by former Governor Davis.

TRIAL OF MAYOR REESE

Although these numerous letters threatening mayors with removal were issued in rapid succession between March 16 and July 11 and caused much consternation, there had been no actual removals or suspensions since the Vogt case. On July 26, 1923, however, the governor sent a letter to Mr. William G. Reese, mayor of Youngstown, which contained a copy of a complaint, and of charges, and an order which suspended him for thirty days. The letter stated that, if the mayor desired to be heard in defense, he should appear at the office of the governor on Wednesday, August 22, 1923, at one o'clock. The statement of causes declared that the mayor was suspended because of charges that he was guilty of nonfeasance, gross and willful neglect of duty and failure to enforce the laws relating to gambling, prostitution and intoxicating liquors.

The trial of Mayor Reese and Police Chief Watkins of Youngstown lasted until August 28, when Chief Watkins was removed under the provision of the recent Miller Prohibition Act, and Mayor Reese was reinstated. The *Dayton News*, a Democratic paper, owned by ex-Governor James M. Cox, declared in its issue of August 29 that the decision of Vic Donahey in the Youngstown case showed that he was convinced that the evidence proved that the mayor did all in his power to enforce the prohibition laws and that the chief had given most of his time to cases of robbery, burglary and murder. The governor according to this Democratic version of the situation, was subsequently denounced because he had emphasized enforcement of the liquor laws over the enforcement of laws to protect life and property. The *Dayton News* article stated also that Governor Donahey's decision in ousting the chief was a compromise with the dry league "after the prosecution had failed to disclose acts of corruption or misfeasance of a positive character against Watkins." Governor Donahey was criticised for being guided by political expediency rather than justice and law.

During the hearings Governor Donahey declared that the police chiefs of Ohio should be appointed and removed at the will of the mayor, who is directly responsible to the people. He explained that he discharged Chief Watkins in order that Mayor Reese might appoint a chief of his own choosing. If this was Governor Donahey's motive, the question arises as to whether a governor has the right to give the mayor the power to appoint his own chief of police, for the statutes of Ohio place the chief of police under civil service rules with the apparent purpose of preventing the mayor from exercising that power.

This was the last case of removal considered by Governor Donahey and it was stated in a press dispatch shortly after the Youngstown case that he was not going to suspend any more mayors for the present unless a flagrant case arose. The dispatch explained this decision by referring to the coming state and local elections and implied that the governor did not wish to be drawn into local factional politics. It predicted further that Donahey would issue a proclamation asking voters to show at the polls the sort of administration they desired. This press report indicated also that the governor felt that, if the people did not select proper mayors, it was not up to him to turn his office into a police court to hear charges against them. This reported attitude does not necessarily contradict Governor Donahey's idea of a governor's responsibility for the execution of laws by the mayor, but it does indicate that the duty is an unpleasant one, and that the removal of mayors is the consequence of negligence on the part of the electorate in choosing municipal officers.

GOVERNOR'S VIEW OF PRESENT LAW

It will be seen, therefore, that Governor Donahey's theory of the removal of mayors stands opposed to the opinions of other Ohio executives such as Governor Nash. A short time after the Municipal Code of 1902 was enacted Governor Nash was approached by a citizens' committee asking him to remove a mayor of a small town in southern Ohio. Their plea before the governor was that the mayor was a tramp who had wandered into the village and was placed as a candidate for mayor as a joke. As it happened the tramp had been elected by a large plurality. The serious minded members of the community had then realized that the joke had been carried too far and they sought to have him removed. Governor Nash rejected the petition of these citizens on the ground that the people themselves had created this dilemma and it was up to them to get out of it the best way they could.

Further evidence that Governor Donahey is not thoroughly in sympathy with the present law providing for the removal of mayors by the governor has come to the writer from a member of the governor's official family who is thoroughly qualified to state the governor's exact feelings in the matter. According to this official, the governor believes that the present law has many crudities that should be corrected. For example, provision should be made to subpoena witnesses and the governor should not be required to act as both prosecutor and judge in the cases of removal. Governor Donahey has been led to this conclusion by his experience in the removal cases, for it is quite evident that after a governor has made his charges against a mayor and has suspended him on the basis of those charges, he would usually be tempted to maintain the charge in spite of all evidence presented to refute them, or that, at best he would resort to a compromise (as some think happened in the Youngstown case) in order to avoid recognizing his mistake and the falsity of his charges. But, although Governor Donahey seems to recognize many serious faults in the present law, he still believes that the governor should possess the power to remove mayors, or that, as a possible alternative, the state supreme court should exercise this power. But he does not believe that local courts should have the power of removal because they might be prejudiced by local political controversy.

PROS AND CONS ON THE SUBJECT

It will be seen, therefore, in looking back over the whole situation, that the arguments for investing the power to remove mayors of municipalities are as follows: First, because the governor is responsible for the execution of all state laws, he should have the power to remove all officials, including mayors, who enforce those laws. Second, the laws of the cities will be more diligently enforced when the officials feel they are subject to strict central control and supervision by the governor. Third, centralized supervision will tend to develop a uniform policy of administration throughout state and local affairs. This tendency toward centralization and uniformity is possibly the latest and most predominant tendency in this phase of American administrative law. It is maintained that when city executives violate state or national policy they should be removed. Many instances are cited by those who contend that the conduct of local officials should be controlled by the state when it is for the good of the state as a whole, and as indicated previously, the governor is held to be the logical authority to administer this centralized supervision. However, in cases where it is quite evident that the mayor is carrying out the desires of those who elected him, the problem is not quite so simple, for under such conditions the mayor will either coöperate with the governor in the enforcement of the law and thus oppose the desires of the citizens of the municipality, or he will heed the desires of the citizens of his city and oppose the demands of the governor. A fourth argument is that the governor, in exerting general state supervision, would not be embroiled in local politics as the local courts would be. Finally, and perhaps most important, this plan affords the most prompt and efficient method of removing derelict officials.

On the other hand, we find that the arguments against giving the governor the power to remove mayors are as follows: First, a mayor is apt to be removed against the will of the residents of the city and because he is carrying out the will of those who placed him in office. The possibilities of conflict between local and state policy have already been considered. It is sufficient to say that under such circumstances, it is all but impossible for state administrative officials to impose a policy upon a hostile community. Second, the city is deprived of home rule in dealing with municipal problems. It is believed that the mayor should be responsible only to the electors of the city, and that in case the people wish him to be removed, the act should be performed by the local courts or by the electorate itself through the recall. Third, the mayors have not the same opportunity to defend themselves in the "hearings" before the governor that they would have were they to go before a judicial tribunal. This fact was clearly brought out by the Ohio Supreme Court when it declared that if the mayor had been heard by the court the case would have been set aside. Under such a statute there is always the possibility of the governor going off "half-cocked," as one of the leading Ohio democrats expressed it to the writer in speaking of the Vogt case; and in such a serious affair as the removal of a mayor, which involves the reputation of the accused, it would seem that the least that should be asked is that there should be some sort of provision to subpoena witnesses so that the charges could be based upon something more than hearsay evidence. There is always a possibility of miscarriage of justice when removal or recall of officials is based upon public opinion, which is often only partially crystallized. One of the members of the 1912 constitutional convention, Mr. Evans, brought out this point well in the debate. He said, "When a man is elected or appointed to office he has a property right in that office and receives the emoluments till his term expires. He ought not to be removed by any public clamor, and I think the only right way is to have a judicial tribunal." Finally, it is maintained that when the governor has the power of removal, there is greater possibility that the mayor will be removed at the demand of special interests or political factions against the will of the electorate. The case of the removal of Mayor Vogt has been cited by some observers as just such an instance.

When we consider these conflicting arguments we find that Governor Donahey's vigorous activities during his first year as governor of Ohio have given us some new and interesting evidence both for and against the removal of mayors by the state executive; but he has not solved the problem for us or for himself. It seems, indeed, that although he has not abandoned his principles, he has ceased to act upon them because of the burdens they entail, because of the ill-will they arouse and, perhaps, because of political expediency.

THE BONDED DEBT OF 201 CITIES AS AT JANUARY 1, 1924

BY C. E. RIGHTOR

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THE tabulation was prepared upon the same basis as in previous years. The primary purpose is to make available a statement of the total amount of bonds outstanding as a liability against the property in each city, classified by purpose; the sinking fund, similarly classified; the net total bonded debt; and the per capita net bonded debt. Within the five population groups recognized by the census bureau, the cities reporting are then ranked according to the per capita net debt. The data are as at January 1, 1924, unless otherwise noted.

The census bureau reports for 1922 a net indebtedness, including special assessments, temporary loans, and debt of every other character for the federal and all local governments of the United States, of $30,852,825,000, or a per capita debt of $283.77. Of this total, twenty-two and one-half billions are for the federal government, and $4,700,000,000 are for all incorporated places (cities over 2,500), the net per capita debt for the latter being reported as $70.80.

In the tabulation here given, however, special assessment bonds are omitted except when a general debt of the city. Further, the tabulation does not include temporary loans or other current debts reported by the census bureau, because there are usually offsetting current assets. It is not the object of the tabulation to show the net debt as may be stipulated for localities by state laws permitting the exemption of bond issues because they are revenue-producing or for other reasons. The approach in the tabulation is financial rather than legal.

One year ago, in the REVIEW for May, 1923, the debt figures for thirty-six cities were published. This year, the tabulation has been expanded to include 201 cities, and grouped according to the five population groups recognized by the census bureau.

The compilation is necessarily a condensed one, reciting totals only, and conclusions respecting any city may reasonably be drawn only when the supporting figures are analyzed. Further, in reporting per capita figures, it was deemed expedient to use the 1920 census figures, which obviously work a handicap toward such rapidly growing cities as Los Angeles, Detroit, Norfolk and others, as also for Atlantic City, which has a census population of 50,000 but increases to nearly 500,000 during the summer.

TREND OF MUNICIPAL DEBTS

In the absence of comparative data for the preceding year, there is no indication of the trend of municipal debt. "When there is nothing to compare, there is nothing to criticize." The popular impression that municipal debt is increasing, however, is borne out by a comparison of the gross debt for thirty-two cities reported in the accompanying table with the figures of those cities one year ago.

Exclusive of New York City, whose

debt increased $49,293,000 during 1923, the average increase for these cities was $1,450,000. Six of the thirty-two cities reported a reduction in their total debt. Municipal bond issues approximate a billion dollars annually, but maturities are not yet at that rate.

The per capita debt for the cities of the United States ranges from $258.62 for Norfolk to $10.96 for Quincy, Illinois, omitting Washington, which has only a few old bond issues outstanding. As might be expected, the tendency of debt is to increase with the population. The range for the Canadian cities reporting is from $363.05 per capita for Edmonton to $112.02 for Hamilton.

Detailed analysis of the figures discloses much of interest, such as the variation in number of political divisions of government reported, the growing practice of issuing serial bonds, the tendency toward pay-as-you-go financing, and so on. No information is attempted as to property assets offsetting the debt, the adequacy of sinking funds, debt limits and margins, and bond issues authorized but not issued.

A few general comments on these subjects are deemed worth while, however.

PARTICULAR CASES

New York City and San Francisco include the county debt, as the governments of the city and county are consolidated. Boston pays all the county debt. Portland bears 92 per cent of the port and dock debt and the same percentage of Multnomah County debt, while certain other bonds legally a debt of the city, but practically special burdens of projects, as the county interstate bridge bonds, $950,000, are omitted in this tabulation.

In many cities the city and school debt are kept entirely distinct, the schools being an independent political subdivision. In many such cases, the city officials have kindly furnished the figures of the school indebtedness. Not in all instances is the school district coterminous with the city, although the entire school debt is reported. In some instances, school bonds are an obligation of the state, as in Delaware, or of the county, as in Los Angeles, Macon and Wilmington, North Carolina. Comparisons with the previous year disclose that in some cities the school debt has increased, while the municipal debt has been reduced, as in Dayton, Hartford and Des Moines.

The general tendency favoring serial bonds as against term bonds is noted. Some states make mandatory serial issues, as the Massachusetts law of 1913. Similarly, many cities in other states report entirely or largely only serials,—Buffalo, Oakland, Bridgeport, San Antonio, Des Moines, Tacoma, Savannah, Butte, etc.

Chicago's school debt is low owing to the pay-as-you-go policy. Boston now builds schools from taxes, and Lansing has no school debt. Somerville taxes except for improvements having over a ten-year life.

As an "apology" for a large municipal debt, it should be noted that some cities have embarked extensively upon the municipal operation of utilities.

Detroit, San Francisco and Seattle have street railways, and Boston a rapid transit system. In addition to its street railway bonds, $15,809,400, Seattle reports $4,772,377 water bonds and $16,969,000 light and power bonds. Richmond reports $3,332,550 gas works bonds; Omaha and Duluth are also operating gas plants.

In the Canadian cities, Toronto reports utility bonds for water works, hydroelectric, street railway, housing, abattoir, exhibition buildings and live stock arena. Edmonton reports a water works, electric plant, street railway, and telephone system.

Cincinnati has an interest in a steam railway having property adequate as security for its entire debt. Louisville owns the capital stock of the Louisville Water Company which is reported to be adequate to retire the entire city debt. Albany has an unusual condition in having a water sinking fund which exceeds the outstanding debt by $240,667, all bonds issued since 1908 for that purpose being in the sinking fund. Dubuque, instead of accumulating a sinking fund, is annually buying up old refunding bonds.

Milwaukee reports no sinking fund, all bonds being serials. However, the report of the common council for 1922 states that the public debt commissioners are considering a plan of amortizing the public debt by providing that certain interest and other sums shall be compounded until the total shall reach a sum approximately equal to three-fourths of the city's outstanding debt. Then three-fourths of the annual interest accruals may be used to pay instalments and interest on the public debt as it comes due and to finance permanent public improvements which are now financed by bonds. Eventually, it is hoped that the fund will own all outstanding city of Milwaukee bonds and there will be no necessity of levying an annual tax for debt purposes. It is estimated that by placing $300,000 in this fund annually, there will be an accrual of $4,000,000 in ten years, there being approximately $400,000 in the treasury to start the fund. The results of this study should be of general interest.

INFLUENCE OF DEBT LIMITS

Because of the increase in municipal debt, it becomes more and more of interest to know the margin under local debt limit laws and the amount of bonds authorized but not issued, although the figures were not collected this year. Further, some cities are finding it increasingly difficult to sell their bonds because of the marketing limit imposed by the New York law, which limits the investments in municipal bonds outside of that state to 7 per cent of any city's assessed valuation, exclusive of water bonds. It is pertinent to enquire when this law may be amended to exempt also such revenue-producing utilities as street railways, electric and gas plants.

The assessed valuation of the cities is omitted in this tabulation, but was reported in the tax rate compilation appearing in the December 1923 REVIEW. Reference to those figures makes possible the compilation of the ratio of bonded debt to assessed valuation.

Questionnaires were submitted to all cities over 30,000—247 cities in the United States and 13 in Canada. From the 260 cities, data adequate to tabulate were received from 201. It is regretted that it was necessary to omit the remaining 59 cities, because no replies were received or the information supplied was incomplete. It was particularly difficult to obtain from municipal officers data with respect to independent school districts, and too often, unfortunately, city officials were not informed about or interested enough to obtain the school data. Should the compilation of the bonded debt data be undertaken in 1925, it is to be hoped that replies will be forthcoming from all the cities, and possible errors this year be remedied.

BONDED DEBT OF 200 CITIES AS AT JANUARY 1, 1924

COMPILED BY THE DETROIT BUREAU OF GOVERNMENTAL RESEARCH, INC.

From Data Furnished by Members of the Governmental Research Association, Chambers of Commerce, and City Officials

City	Census, 1920	General improvement bonds	Public school bonds	Public utility bonds	Miscellaneous bonds	Gross total bonded debt	Sinking fund				Net total bonded debt	Per capita net bonded debt	Rank
							General improvement	Public school	Public utility	Total			
Group I													
Population, 500,000 and over													
1. New York, N. Y.[1]	5,620,048	$700,910,636	$34,742,534	$591,880,627	$3,198,242	$1,330,732,039	$192,625,062	......	$50,872,439	$243,497,501	$1,087,234,539	$193.46	1
2. Chicago, Ill.[2]	2,701,705	117,365,400	75,000	4,995,500	......	122,435,900	......	......	......	......	122,435,900	45.32	11
3. Philadelphia, Pa.[3]	1,823,779	173,479,810	28,587,000	61,729,190	......	263,796,000	......	......	......	62,037,168	201,758,832	110.63	7
4. Detroit, Mich.[3a]	993,678	61,670,216	35,958,100	42,535,114	......	140,163,430	6,468,191	$4,837,500	1,394,168	12,699,859	127,463,571	128.28	5
5. Cleveland, Ohio	796,841	73,303,124	30,211,000	32,966,808	......	136,480,932	12,695,950	2,945,000	3,128,000	18,768,950	117,711,982	147.72	3
7. Boston, Mass.[4]	748,060	67,777,951	15,705,500	41,407,700	......	124,891,151	......	......	......	42,774,921	82,116,230	109.77	8
8. Baltimore, Md.[5]	733,826	83,535,760	......	28,029,600	8,425,700	119,991,060	27,277,352	......	6,960,916	34,238,268	85,752,792	116.85	6
9. Pittsburgh, Pa.	588,343	35,144,200	16,169,900	8,679,300	......	59,993,400	2,039,347	1,482,136	518,475	4,039,958	55,953,442	95.10	10
10. Los Angeles, Cal.[6]	576,673	17,168,487	30,471,392	45,421,350	17,786,000	110,847,229	4,003,626	......	3,900,881	7,904,507	102,942.722	178.51	2
11. Buffalo, N. Y.	506,775	24,505,840	17,381,000	14,963,741	......	56,850,581	3,153,061	......	2,251,583	5,404,644	51,445,937	101.51	9
12. San Francisco, Cal.	506,676	22,177,600	6,650,000	39,711,000	......	68,538,600	1,045,600	375,000	1,101,000	2,521,600	66,017,000	130.29	4
Group II													
Population 300,000 to 500,000													
13. Milwaukee, Wis.[7]	457,147	18,586,850	7,085,250	2,020,000	1,341,200	29,033,300	......	......	......	......	29,033,300	63.51	6
14. Washington, D. C.	437,571	4,589,250	......	......	......	4,589,250	4,423,641	......	......	4,423,641	165,609	0.38	8
15. Newark, N. J.	414,524	28,822,000	14,314,200	10,821,000	......	53,957,200	5,811,052	2,297,490	1,880,091	9,988,633	43,968,567	106.07	3
16. Cincinnati, Ohio [8]	401,247	55,562,205	10,241,200	14,969,230	21,332,000	102,104,635	16,223,540	1,522,330	8,348,261	26,094,131	76,010,504	189.43	1
17. New Orleans, La.[9]	387,219	17,728,216	......	20,000,000	......	37,728,216	......	......	......	......	37,728,216	97.44	4
18. Minneapolis, Minn.[10]	380,582	20,583,345	17,844,000	1,880 000	......	37,197,757	......	......	......	3,643,416	36,663,929	96.33	5
19. Kansas City, Mo.	324,410	12,301,000	10,991,000	......	......	23,292,000	3,606,401	3,579,565	......	7,185,966	16,106,034	49.65	7
20. Seattle, Wash.[11]	315,312	9,302,023	9,270,000	37,550,777	......	56,122,800	215,008	168,958	245,392	629,358	55,493,442	176.00	2
Group III													
Population 100,000 to 300,000.													
22. Jersey City, N. J[12]	298,103	19,799,199	13,720,500	14,693,254	......	48,212,953	5,746,970	......	3,415,650	9,156,620	39,056,333	131.01	5
23. Rochester, N. Y.	295,750	9,872.400	9,840,480	11,174,000	......	30,886,880	1,013,970	515,177	2,339,515	3,868,662	27,018,218	91.35	18
24. Portland, Ore.[13]	258,288	8,727,500	2,203,500	20,985,000	......	31,916,000	648,674	......	2,584,701	3,233,375	28,682,625	111.05	10
25. Denver, Col.	256,491	260,000	8,500,000	14,523,600	......	23,283,600	162,640	......	11,000	173,640	23,109,960	90.10	19
26. Toledo, Ohio	243,164	21,654,244	11,137,000	2,063,000	......	34,854,244	4,813,347	1,327,285	......	6,140,632	28,713,612	118.08	7
27. Providence, R. I.[10]	237,595	16,090,000	5,500,000	7,578,000	......	29,168,000	......	......	......	13,300,225	15,867,775	66.78	29
28. Columbus, Ohio [14]	237,031	16,734,316	8,994,500	9,004,500	......	34,733,316	9,835,593	1,745,390	......	11,580,983	23,152,333	97.67	17
29. Louisville, Ky.[15]	234,891	12,625,500	1,966,400	1,079,000	......	15,670,900	2,006,423	......	286,173	2,292,596	13,378,304	56.95	32
30. St. Paul, Minn.[12]	234,698	10,348,000	4,901,000	5,007,000	......	20,256,000	966,793	......	952,983	1,919,776	18,336,224	78.13	24
31. Oakland, Cal.[7]	216,261	3,007,767	6,715,746	......	1,629,292	11,352,805	......	251,247	......	251,247	11,101,558	51.33	36
32. Akron, Ohio	208,435	12,290,049	7,708,164	10,454,000	......	30,452,213	506,413	176,494	1,070,523	1,753,430	28,698,783	137.69	3
33. Atlanta, Ga.[10]	200,616	4,699,000	4,074,000	3,105,000	......	11,878,000	......	......	......	2,041,950	9,836,050	49.03	40
34. Omaha, Neb.[16]	191,601	13,976,288	8,491,000	......	......	22,467,288	......	......	......	......	22,467,288	117.26	8
35. Worcester, Mass.	179,754	5,082,000	1,694,500	5,216,100	......	11,992,600	1,995,712	236,435	2,100,148	4,332,295	7,660,305	42.62	41
36. Birmingham, Ala.[10]	178,806	5,807,500	4,266,000	155,000	......	10,228,500	......	......	......	348,825	9,879,675	55.25	34
37. Syracuse, N. Y.	171,717	8,119,563	5,499,457	4,200,000	......	17,819,020	......	......	......	......	17,819,020	103.77	13

38. Richmond, Va.	171,667	19,194,835	3,385,395	6,771,050	......	29,351,280	4,151,415	738,281	1,475,981	6,365,677	22,985,603	133.90	4
39. New Haven, Conn.[19]	162,537	8,724,000	908,000	......	......	9,632,000	......	......	......	548,509	9,083,491	55.88	33
40. Memphis, Tenn.	162,351	13,388,200	4,238,000	7,510,000	......	25,136,200	485,672	409,355	172,781	1,067,808	24,068,392	148.24	2
41. San Antonio, Te.x[19]	161,379	6,945,000	3,475,000	......	......	10,420,000	......	......	......	466,136	9,953,864	61.68	30
43. Dayton, Ohio	152,559	7,376,780	4,575,000	2,156,000	......	14,107,780	1,812,500	72,000	377,800	2,262,300	11,845,480	77.64	25
44. Bridgeport, Conn.	143,555	8,432,000	2,315,000	......	......	10,747,000	......	......	......	......	10,747,000	74.86	27
45. Houston, Tex.[17]	138,276	11,941,000	2,420,000	815,000	2,637,500	17,795,500	2,040,933	615,129	347,826	3,003,888	14,791,612	106.97	11
46. Hartford, Conn.[18]	138,036	5,478,481	6,930,084	4,350,000	......	16,758,565	1,374,683	358,155	369,416	2,102,254	14,656,311	106.18	12
47. Scranton, Pa.[19]	137,783	2,263,000	......	......	......	2,263,000	192,031	......	......	192,031	2,070,969	15.03	43
48. Grand Rapics, Mich.	137,634	2,173,600	3,220,100	2,335,000	......	7,728,700	486,109	......	315,398	801,507	6,927,193	50.33	39
49. Paterson, N. J.	135,875	4,505,998	4,839,500	......	......	9,345,498	1,473,545	710,738	......	2,184,283	7,161,215	52.70	35
50. Youngstown, Ohio[19]	132,358	10,156,977	......	......	......	10,156,977	......	......	......	......	10,156,977	76.73	26
51. Springfield, Mass.	129,614	5,827,700	4,530,300	1,235,000	......	11,593,000	109,357	584,194	......	693,551	10,899,449	84.09	21
52. Des Moines, Iowa	126,468	5,957,997	4,164,700	4,625,000	......	14,747,697	400,985	156,078	......	557,063	14,190,634	12.21	9
53. New Bedford, Mass.[20]	121,217	8,518,000	3,330,000	2,540,000	52,000	14,440,000	620,947	185,000	1,420,000	2,225,947	12,214,053	100.76	14
56. Nashville, Tenn.[19]	118,342	7,790,000	1,244,000	2,919,000	......	11,953,000	......	......	......	265,100	11,687,900	98.96	16
57. Salt Lake City, Utah	118,110	3,459,500	3,616,000	2,762,700	......	9,838,200	36,000	230,000	......	266,000	9,572,200	81.04	22
58. Camden, N. J.	116,309	6,007,725	3,311,750	1,264,150	......	10,583,625	1,703,425	185,000	73,150	1,961,575	8,622,050	74.13	28
59. Norfolk, Va.[21]	115,777	13,979,276	4,345,573	535,188	5,524,463	32,384,500	......	......	......	2,442,114	29,942,386	258.62	1
60. Albany, N. Y.	113,344	7,036,813	3,054,020	1,739,250	......	11,830,083	890,729	......	1,979,917	2,870,646	8,959,437	79.05	23
61. Lowell, Mass.	112,759	3,437,960	2,312,250	253,750	......	6,003,960	224,478	......	......	224,478	5,779,212	51.25	37
62. Wilmington, Dela.	110.168	8,378,650	270,000	1,440,000	......	10,008,650	274,000	......	......	274,000	9,814,650	89.09	20
63. Cambridge, Mass.[22]	109,694	8,026,100	......	1,435,500	......	9,461,500	......	......	......	3,862,802	5,598,698	51.04	38
64. Reading, Pa.[23]	107,784	1,997,000	1,651,800	329,000	......	3,977,800	36,547	268,168	18,620	323,335	3,654,465	33.91	42
66. Spokane, Wash.	104,437	4,671,000	1,977,000	680,000	......	7,328,000	920,357	409,280	8,500	1,338,137	5,989,863	57.35	31
67. Kansas City, Kan.	101,177	3,879,153	2,867,000	4,745,100	......	11,491,253	......	11,000	397,580	408,580	10,082,673	99.65	15
68. Yonkers, N. Y.	100,176	5,455,313	4,469,590	2,841,500	351,200	13,117,603	......	......	......	......	13,117,603	130.95	6
Group IV Population, 50,000 to 100,000													
69. Lynn, Mass.[19]	99,148	$2,468,400	$1,880,000	$1,514,000	......	$5,862,400	......	......	......	$864,787	$4,997,613	$50.40	38
70. Duluth, Minn.	98,917	2,926,000	2,675,000	3,644,000	......	9,245,000	$340,083	150,000	......	490,083	8,754,917	88.51	16
71. Tacoma, Wash.[24]	96,965	2,897,000	870,000	4,311,395	$405,000	8,483,395	904,405	121,520	$317,662	1,343,587	7,139,808	73.61	22
72. Elizabeth, N. J.	95,783	738,500	3,210,850	......	......	3,949,350	112,701	245,040	......	357,741	3,591,609	37.50	51
73. Lawrence, Mass.	94,270	3,052,060	1,956,500	156,000	......	5,164,560	278,483	......	13,478	291,961	4,872,599	51.68	37
74. Utica, N. Y.[19]	94,156	3,423,616	1,986,577	......	......	5,410,193	......	......	......	437,069	4,973,124	52.81	36
75. Erie, Pa.	93,372	3,827,487	3,082,000	230,013	......	7,139,500	338,466	......	161,714	500,180	6,639,320	71.16	26
76. Somerville, Mass.	93,091	898,500	845,000	......	......	1,743,500	......	......	......	......	1,743,500	18.72	61
77. Waterbury, Conn.	91,715	8,712,000	2,426,000	......	......	11,138,000	235,000	......	......	235,000	10,903,000	118.88	10
78. Flint, Mich.	91,599	5,154,225	4,455,000	2,806,000	......	12,406,225	......	......	125,000	125,000	12,281,225	134.07	5
79. Jacksonville, Fla.[19]	91,588	3,689,500	......	1,862,500	2,352,000	7,904,000	......	......	......	1,044,750	6,859,250	74.89	20
80. Oklahoma City, Okla.[19]	91,295	4,665,000	5,548,800	5,715,000	......	15,928,800	......	......	......	2,549,270	13,379,530	146.55	3
81. Schenectady, N. Y.	88,723	3,577,400	2,978,300	65,000	......	6,620,700	73,942	......	65,000	138,942	6,481,758	73.06	23
82. Canton, Ohio	87,091	4,829,949	6,311,899	1,950,937	......	13,082,785	2,000,000	127,748	......	2,127,748	10,955,037	125.78	8
83. Fort Wayne, Ind.	86,549	907,000	2.062,000	......	......	2,969,000	69,631	......	......	69,631	2,899,369	33.50	53
84. Evansville, Ind.	85,264	1,421,600	1,761,100	797,000	......	3,979,700	105,218	......	......	105,218	3,874,482	45.44	43
85. Savannah, Ga.[25]	83.252	3,455,500	......	......	150,000	3,605,500	......	......	......	195,000	3,410,500	40.96	47
86, Manchester, N. H.	78,384	3,045,832	2,566,168	60,000	......	5,672,000	250,000	......	......	250,000	5,422,000	69.18	27
87, St. Joseph, Mo.	77,939	1,292,850	1,288,000	......	......	2,580,850	152,850	236,323	......	389,173	2,191,677	28.12	55
89. El Paso, Texas	77,560	3,348,000	1,742,000	1,512,000	......	6,602,000	......	......	......	979,860	5,622,140	72.49	24
90. Bayonne, N. J.	76,754	2,668,316	3,190,560	4,155,182	......	10,014,058	892,987	801,924	4,691	1,699,602	8,314,456	108.32	12
91. Peoria, Ill.[26]	76,121	864,877	819,000	......	25,000	1,708,877	73,000	......	21,000	94,000	1,614,877	21.21	59
93. San Diego, Calif.	74,683	4,023,191	2,889,000	7,922,834	......	14,835,025	603,061	......	......	603,061	14,231,964	190.56	2
94. Wilkes Barre, Pa.	73,833	2,056,600	659,000	......	......	2,715,600	133,660	......	......	133,660	2,581,940	34.97	52
95. Allentown, Pa.	73,502	1,126,100	2,338,600	137,900	......	3,602,600	84,073	383,034	27,184	494,291	3,108,309	42.28	45

BONDED DEBT OF 200 CITIES AS AT JANUARY 1, 1924—*Continued*

City	Census 1920	General improvement bonds	Public school bonds	Public utility bonds	Miscellaneous bonds	Gross total bonded debt	Sinking fund				Net total bonded debt	Per capita net bonded debt	Rank
							General improvement	Public school	Public utility	Total			
Group IV—(Continued) Population, 50,000 to 100,000													
98. Troy, N. Y.	72,013	$2,584,495	$553,400	$2,178,261	......	$5,316,156	......	......	......	$150,895	$5,165,261	$71.72	25
100. South Bend, Ind.	70,983	957,500	2,362,000	875,000	......	4,194,500	$192,432	......	$2,650	195,082	3,999,418	56.34	34
101. Portland, Me.[10]	69,272	2,449,000	2,335,000	......	......	4,784,000	......	......	......	409,839	4,374,161	63.14	29
102. Hoboken, N. J.[27]	68,166	5,785,518	3,863,596	279,000	......	9,928,114	828,496	$400,251	43,043	1,271,790	8,656,324	126.95	7
103. Charleston, S. C.	67,957	7,757,500	......	1,447,000	......	9,204,500	50,857	......	73,994	124,851	9,079,649	133.60	6
105. Binghamton, N. Y.	66,800	1,676,250	1,725,900	......	......	3,402,150	158,588	......	......	158,588	3,243,562	48.55	41
107. Brockton, Mass.	66,254	2,218,000	846,000	1,654,000	......	4,718,000	......	......	616,956	616,956	4,101,044	61.89	30
108. Terre Haute, Ind.	66,083	1,799,000	915,000	......	......	2,714,000	34,924	69,998	......	104,922	2,609,078	39.48	48
109. Sacramento, Calif.[7]	65,908	2,628,800	130,000	3,413,200	$195,000	6,367,000	......	......	......	......	6,367,000	96.60	14
110. Rockford, Ill.	65,651	385,400	732,500	425,000	......	1,542,900	9,500	60,000	50,000	119,500	1,423,400	21.83	58
111. Little Rock, Ark.[28]	65,142	1,425,000	671,000	......	......	2,096,000	......	......	......	......	2,096,000	32.17	54
114. Saginaw, Mich.	61,903	179,000	2,277,000	783,000	......	3,239,000	24,000	60,000	63,000	147,000	3,092,000	49.95	39
115. Springfield, Ohio	60,840	1,508,076	1,835,492	325,000	......	3,668,568	287,148	97,869	......	385,017	3,283,551	53.96	35
116. Mobile, Ala.	60,777	2,401,300	150,000	1,091,000	......	3,642,300	......	......	......	......	3,642,300	59.90	31
118. Holyoke, Mass.[29]	60,203	2,194,000	76,500	1,601,000	......	3,871,500	......	......	467,088	467,088	3,404,412	56.55	33
119. New Britain, Conn.	59,316	1,950,000	1,824,000	1,152,000	......	4,926,000	381,775	90,543	......	472,318	4,453,682	75.08	19
120. Springfield, Ill.	59,183	415,700	642,500	518,000	......	1,576,200	......	......	......	......	1,576,200	26.63	57
122. Chester, Pa.	58,030	1,852,000	1,915,500	......	......	3,767,500	504,331	404,926	......	909,257	2,858,243	49.25	40
123. Chattanooga, Tenn.	57,895	4,590,700	1,472,000	......	......	6,062,700	......	......	......	......	6,062,700	104.70	13
124. Lansing, Mich.	57,327	690,000	......	4,535,000	......	5,225,000	......	......	24,374	24,374	5,200,626	90.72	15
126. Davenport, Iowa	56,727	1,549,000	1,023,000	......	......	2,572,000	......	100,000	......	100,000	2,472,000	43.58	44
127. Wheeling, W. Va.	56,208	1,842,800	80,000	2,000,000	......	3,922,800	84,326	......	38,314	122,640	3,800,160	67.61	28
128. Berkeley, Calif.	56,036	598,860	432,500	......	......	1,031,360	4,402	13,133	......	17,535	1,013,825	18.09	62
129. Long Beach, Calif.	55,593	2,693,945	2,893,000	1,330,000	......	6,916,945	92,430	147,267	......	239,697	6,677,248	120.18	9
130. Gary, Ind.	55,378	904,500	1,522,000	14,500	......	2,441,000	78,877	61,191	......	140,068	2,300,932	41.55	46
131. Lincoln, Nebr.	54,948	386,400	2,288,000	351,000	......	3,025,400	27,400	434,367	11,000	472,767	2,552,633	46.46	42
132. Portsmouth, Va.	54,387	3,312,200	748,400	2,935,000	......	6,995,600	221,051	......	571,177	792,228	6,203,372	114.06	11
133. Haverhill, Mass.	53,884	744,841	610,159	133,000	......	1,487,000	125,048	244,017	23,515	392,580	1,094,420	20.31	60
135. Macon, Ga.	52,995	947,000	500,000	670,000	......	2,117,000	116,186	......	......	116,186	2,000,814	37.75	50
136. Augusta, Ga.	52,548	3,307,000	40,000	......	......	3,347,000	338,815	......	......	338,815	3,008,185	57.25	32
137. Tampa, Fla.[19]	51,608	3,750,500	......	1,427,000	......	5,177,500	1,030,967	......	16,171	1,047,138	4,130,362	80.03	18
138. Roanoke, Va.	50,842	3,051,000	1,600,000	......	......	4,651,000	404,145	......	......	404,145	4,246,855	83.49	17
140. East Orange, N. J.	50,710	1,760,500	1,866,245	1,265,000	......	4,891,745	208,122	286,500	618,460	1,113,082	3,778,663	74.32	21
141. Atlantic City, N. J.	50,707	8,689,500	3,215,000	3,296,000	......	15,200,500	2,247,619	344,599	1,500,227	4,092,445	11,108,055	219.06	1
142. Bethlehem, Pa.	50,358	2,184,000	3,960,900	1,780,000	......	7,924,900	332,971	......	507,930	840,900	7,084,000	140.67	4
143. Huntington, W. Va.	50,177	802,500	1,415,000	......	......	2,217,500	165,000	153,000	......	318,000	1,899,500	38.75	49
144. Topeka, Kansas	50,022	396,378	321,761	1,161,000	......	1,879,139	153,613	81,000	297,442	532,055	1,347,084	26.90	56
Group V Population, 30, 000 to 50,000													
145. Malden, Mass.	49,103	$2,335,500	$363,000	$64,000	......	$2,762,500	$614,065	......	$66,059	$680,124	$2,082,376	$42.41	51
147. Kalamazoo, Mich.	48,487	278,012	2,277,000	125,450	......	2,680,462	40,000	......	......	40,000	2,640,462	54.46	39
148. Winston-Salem, N. C.	48,395	2,843,977	1,904,000	1,707,023	......	6,455,000	222,834	......	......	222,834	6,232,166	128.78	4
149. Jackson, Mich.	48,374	1,473,729	801,000	545,375	......	2,820,104	173,980	......	39,247	213,227	2,606,787	53.89	40

Group V—Continued Population, 30,000 to 50,000													
150. Quincy, Mass.	47,876	1,379,600	1,260,000	265,000	......	2,904,600	......	......	......	......	2,904,600	60.67	32
151. Bay City, Mich.	47,554	680,500	2,395,000	2,000,000	......	5,075,500	252,957	207,264	76,432	536,653	4,538,847	95.49	9
154. Highland Park, Mich.	46,499	2,005,400	3,127,000	1,366,626	......	6,499,026	593,724	662,038	404,635	1,660,397	4,838,629	104.06	7
157. Cedar Rapids, Iowa [20]	45,566	876,100	1,703,000	456,000	55,000	3,090,100	......	87,075	......	87,075	3,003,025	65.92	28
158. Elmira, N. Y.	45,393	1,898,000	683,000	1,275,000	......	3,856,000	......	......	......	......	3,856,000	84.94	13
159. Pasadena, Calif.	45,354	3,631,074	2,805,000	2,341,926	......	8,778,000	199,812	......	135,173	334,985	8,443,015	186.16	1
160. Fresno, Calif.[19]	45,086	786,500	......	......	......	786,500	......	......	......	......	786,500	17.44	62
165. Decatur, Ill.	43,818	704,000	595,000	......	......	1,299,000	157,031	210,701	......	367,701	931,299	21.43	61
168. Chelsea, Mass.	43,184	2,448,600	515,000	......	......	2,963,600	629,180	197,009	......	826,189	2,137,411	49.49	45
170. Mount Vernon, N. Y.	42,726	3,662,000	1,661,050	1,718,000	......	7,041,050	288,477	......	112,897	401,374	6,339,676	148.37	3
171. Salem, Mass.	42,529	1,496,500	438,500	382,000	......	2,317,000	......	......	......	......	2,317,000	54.50	38
172. Pittsfield, Mass.	41,763	1,037,725	614,000	1,031,750	......	2,683,475	......	......	......	......	2,683,475	64.25	30
173. Lakewood, Ohio	41,732	3,109,920	4,530,500	24,000	......	7,664,420	540,196	......	......	540,196	7,124,224	170.71	2
174. Perth Amboy, N. J.	41,707	1,408,140	1,080,900	1,215,000	......	3,704,040	353,259	225,035	176,211	754,505	2,949,535	70.72	22
175. Butte, Mont.	41,611	1,467,000	401,683	......	......	1,868,683	72,000	50,000	......	122,000	1,746,000	41.96	52
176. Lexington, Ky.[10]	41,534	1,729,570	568,000	......	......	2,297,570	......	......	......	445,501	1,852,069	44.59	49
177. Lima, Ohio [19]	41,326	2,460,600	......	1,250,000	......	3,710,600	......	......	......	476,343	3,234,257	78.26	16
178. Fitchburg, Mass.	41,029	1,354,900	697,000	440,900	......	2,492,800	......	45,104	16,973	62,077	2,430,723	59.24	34
180. Beaumont, Tex.[21]	40,422	1,659,500	970,900	811,500	871,750	4,313,650	......	......	......	816,907	3,496,743	86.50	12
181. Stockton, Calif.	40,296	2,024,300	......	......	......	2,024,300	......	......	......	......	2,024,300	50.21	44
182. Everett, Mass.	40,120	1,270,090	1,003,500	95,000	......	2,368,590	319,565	......	74,562	394,127	1,974,463	49.21	46
183. Wichita Falls, Tex.	40,079	1,693,000	1,380,000	999,000	......	3,072,000	187,818	69,000	120,876	377,694	2,694,306	67.22	27
184. West Hoboken, N. J.	40,074	1,594,900	523,000	......	......	2,117,900	468,139	11,000	......	479,139	1,638,761	40.89	54
185. Oak Park, Ill.	39,858	386,750	689,000	152,500	......	1,228,250	......	......	......	......	1,228,250	30.82	60
187. Superior, Wis.	39,671	1,092,950	1,050,000	......	......	2,142,950	39,200	......	......	39,200	2,103,750	53.03	41
189. Springfield, Mo.	39,631	71,000	600,000	......	......	671,000	8,356	74,244	......	82,600	588,400	14.85	63
190. Charleston, W. Va.	39,608	1,726,500	2,393,000	......	......	4,119,500	388,867	93,000	......	481,867	3,637,633	91.84	11
191. Dubuque, Iowa	39,141	1,032,000	1,500,000	287,000	......	2,819,000	......	......	......	......	2,819,000	72.02	19
194. Waco, Tex.	38,500	1,471,500	1,113,000	822,000	......	3,406,500	324,420	145,140	279,962	749,522	2,656,978	69.01	26
195. Joliet, Ill.	38,442	265,500	1,470,000	200,000	......	1,935,500	......	......	......	......	1,935,500	50.35	43
196. Madison, Wis.[10]	38,378	1,237,500	1,440,000	483,000	......	3,160,500	......	......	......	483,461	2,687,039	70.01	24
197. Brookline, Mass.	37,748	610,405	584,600	180,800	......	1,375,805	......	......	......	......	1,375,805	36.45	57
198. Columbia, S. C.	37,524	1,338,000	498,000	736,000	......	2,572,000	71,349	105,000	......	176,349	2,395,651	63.84	31
199. Lorain, Ohio [19]	37,295	2,176,890	......	861,500	......	3,038,390	252,540	......	167,141	......	2,618,709	70.20	23
200. Evanston, Ill.	37,234	118,500	1,522,000	480,000	......	2,120,000	6,668	......	1,350	8,018	2,112,482	56.75	37
202. Muskegon, Mich.	36,570	1,284,000	850,300	549,000	......	2,683,300	50,000	......	30,000	80,000	2,603,300	71.19	21
206. Chicopee, Mass.	36,214	906,450	353,500	231,250	......	1,491,200	......	......	......	......	1,491,200	41.18	53
207. New Rochelle, N. Y.	36,213	2,724,097	1,770,676	......	......	4,494,773	266,869	......	......	266,869	4,227,904	116.75	5
210. Battle Creek, Mich.	36,164	1,047,000	225,000	......	......	1,272,000	......	......	......	......	1,272,000	35.18	59
212. Hammond, Ind.	36,004	327,000	1,070,300	770,000	......	2,167,300	18,524	......	......	18,524	2,148,776	59.68	33
213. Quincy, Ill.	35,978	212,327	182,500	......	......	394,827	......	......	......	......	394,827	10.96	66
215. Newport News, Va.[22]	35,596	1,706,000	870,000	......	300,000	2,876,000	......	......	......	317,543	2,558,457	71.31	20
216. Rock Island, Ill.	35,177	56,000	400,000	4,000	......	460,000	......	......	......	9,512	450,488	12.80	65
217. Stamford, Conn.	35,096	1,240,000	1,294,888	......	......	2,534,888	306,498	181,662	......	488,160	2,046,728	58.32	36
219. Austin, Tex.	34,876	1,943,500	465,000	......	......	2,408,500	......	......	......	......	2,408,500	69.06	25
223. Amsterdam, N. Y.	33,524	420,000	574,850	377,000	......	1,371,850	76,799	3,308	4,532	84,639	1,287,211	38.39	56
224. Wilmington, N. C.[19]	33,372	1,584,200	......	875,000	......	2,459,200	......	......	......	23,810	2,435,390	72.97	18
225. Orange, N. J.	33,268	1,053,675	740,000	562,000	......	2,355,675	213,871	174,188	226,151	614,210	1,741,465	52.35	42
228. Ogden, Utah [19]	32,804	1,428,000	......	700,000	......	2,128,000	......	......	......	......	2,128,000	64.87	29
230. Norristown, Pa.	32,319	322,500	951,000	......	......	1,273,500	......	111,494	......	111,494	1,162,006	35.92	58
232. Lewiston, Me.[10]	31,791	919,500	100,000	454,000	......	1,473,500	......	......	......	225,000	1,248,500	39.27	55

BONDED DEBT OF 200 CITIES AS AT JANUARY 1, 1924—*Continued*

City	Census 1920	General improvement bonds	Public school bonds	Public utility bonds	Miscellaneous bonds	Gross total bonded debt	Sinking fund				Net total bonded debt	Per capita net bonded debt	Rank
							General improvement	Public school	Public utility	Total			
Group V—Continued Population, 30,000 to 50,000													
233. Watertown, N. Y.	31,285	$875,335	$829,300	$734,000	......	$2,438,635	$12,467	......	$26,571	$39,038	$2,399,597	$76.70	17
234. Columbus, Ga.	31,125	1,027,500	135,000	315,000	......	1,477,500	35,000	......	......	35,000	1,442,500	46.34	47
235. Pensacola, Fla.[33]	31,035	1,585,000	......	14,000	$400,000	1,999,000	......	......	......	176,242	1,822,758	58.73	35
236. Green Bay, Wis.	31,017	928,000	967,000	958,000	......	2,853,000	......	......	......	......	2,853,000	91.97	10
237. Petersburg, Va.[10]	31,012	2,934,000	500,000	475,000	......	3,909,000	......	......	......	921,411	2,987,589	96.34	8
239. Waltham, Mass.	30,915	538,000	805,000	50,000	......	1,393,000	66,624	......	8,585	75,209	1,317,791	42.62	50
240. Moline, Ill.	30,734	135,000	296,000	......	......	431,000	25,000	......	......	25,000	406,000	13.26	64
242. Newburgh, N. Y.	30,366	401,975	288,240	851,731	......	1,541,946	158,588	......	......	158,588	1,383,358	45.56	48
243. Muskogee, Okla.	30,277	1,954,154	1,330,000	1,120,000	......	4,404,154	1,507,949	498,152	......	2,006,101	2,398,053	79.14	15
245. Colorado Springs, Col.	30,105	1,731,000	542,000	1,146,000	......	3,419,000	......	......	......	......	3,419,000	113.57	6
246. Lynchburg, Va.[10]	30,070	1,380,800	549,000	1,603,000	......	3,532,800	......	......	......	1,149,377	2,383,423	79.26	14

City	Dominion census 1921	General improvement bonds	Public school bonds	Public utility bonds	Miscellaneous bonds	Gross total bonded debt	Sinking fund				Net total bonded debt	Per capita net bonded debt	Rank
							General improvement	Public school	Public utility	Total			
Canadian Cities													
1. Montreal, Quebec[34]	618,506	$93,942,725	$28,781,424	$27,948,261	......	$150,672,410	$8,237,022	$2,017,838	......	$10,254,860	$140,417,550	$227.02	3
2. Toronto, Ontario	521,893	45,935,321	22,956,189	77,051,361	......	145,942,871	13,354,614	3,424,496	$7,997,364	24,776,474	121,166,397	232.16	2
3. Winnipeg, Manitoba	179,087	9,510,724	6,450,000	21,547,929	......	37,508,653	3,422,640	830,752	3,754,652	7,998,044	29,510,609	164.78	7
4. Vancouver, B. C.	117,217	18,871,902	4,171,900	5,099,351	......	28,143,153	5,940,998	817,242	1,300,302	8,058,542	20,084,611	171.34	6
5. Hamilton, Ontario	114,151	8,366,459	3,455,895	4,944,540	......	16,766,894	2,030,835	546,230	1,401,994	3,979,059	12,787,835	112.02	11
6. Ottawa, Ontario	107,843	12,372,277	4,136,995	4,682,172	......	21,191,444	3,591,929	669,523	962,959	5,224,411	15,967,033	148.06	9
7. Quebec, Quebec	95,193	11,965,517	3,625,000	4,270,000	......	19,860,517	598,423	236,713	......	835,136	19,025,381	199.86	5
10. Edmonton, Alberta	58,821	12,166,456	3,804,387	11,712,171	......	27,683,014	2,389,078	206,983	3,731,678	6,327,739	21,355,275	363.05	1
11. Halifax, N. S.	58,372	6,177,024	2,241,233	2,071,927	......	10,490,184	1,150,834	444,416	......	1,595,250	8,894,934	152.38	8
12. St. John, N. B.[35]	47,166	2,514,785	1,103,500	4,038,231	......	7,656,516	741,632	118,355	1.212,385	2,072,372	5,558,144	144.17	10
13. Victoria, B. C.	38,727	4,829,513	1,387,549	3,951,015	......	10,168,077	859,226	497,667	300,231	1,657,124	8,510,953	219.61	4

NOTES—The cities are arranged in order of population, according to 1920 Federal census (Canadian census, 1921).

[1] *New York City*. Total debt includes boroughs and a portion of debt of the counties; public utility bonds include $270,213,689 rapid transit and $70,561,900 docks and ferries; miscellaneous comprises county bonds, etc.; the general sinking fund includes school.

[2] *Chicago*. Does not include county or forest preserve district (county) bonds, $26,480,000.

[3] *Philadelphia*. Includes city and county of Philadelphia; general bonds include all bonds issued for work for which special assessments are levied; sinking funds not separated by purposes.

[3a] *Detroit*. Public utility bonds include $18,687,000 street railway; in addition to the bonded debt reported, there is a street railway purchase contract for $15,580,000, $7,080,000 to be amortized at the rate of $1,000,000 annually, the balance payable December 31, 1931.

[4] *Boston*. General bonds include debt of County of Suffolk, $1,717,000, which is paid by Boston; utility includes $40,782,700 rapid transit; sinking fund not separated by purposes.

[5] *Baltimore*. General bonds include school: miscellaneous bonds; docks and piers; general sinking fund includes school; utility sinking fund includes $2,333,769 docks and piers.

[6] *Los Angeles*. Miscellaneous bonds: harbor improvements. In addition to the debt reported, there are municipal improvement district bonds for water and roads, $4,827,215, and flood control district bonds $3,706,709, which are obligations of the districts but not of the city.

[7] *Milwaukee, Oakland, Sacramento*. Miscellaneous bonds: harbor bonds.

[8] *Cincinnati*. Miscellaneous bonds: Cincinnati Southern Railway construction and terminal bonds.

[9] *New Orleans*. Different issues of bonds are being retired one after another, out of a one per cent tax levy for debt.

[10] *Minneapolis, Providence, Atlanta, Birmingham, New Haven, San Antonio, Nashville, Lynn, Utica, Oklahoma City, Troy, Portland, Lexington, Madison, Lewiston, Petersburg, Lynchburg*. Sinking fund not separated by purposes.

[11] *Seattle*. Of the public utility bonds, $31,531,400 are not obligations of the city, both principal and interest being payable from the revenues of the utilities.

[12] *Jersey City, St. Paul*. Sinking fund not separated as between general city and school.

[13] *Portland*. Utility bonds include Port of Portland river improvement, $2,604,000, and Dock Commission terminal and dock development, $9,945,000.

[14] *Columbus, Bethlehem, Madison*. General and utility sinking fund not separated.

[15] *Louisville*. The Sinking Fund Commission owns the entire capital stock of the Louisville Water Company, par value of $1,275,100.

[16] *Omaha*. Sinking fund data not furnished.

[17] *Houston*. Miscellaneous bonds: wharves; public utility sinking fund includes wharves, $131,101.

[18] *Hartford*. School bonds include debt of nine independent school districts within the city.

[19] *Scranton, Youngstown, Jacksonville, Charleston, S. C., Tampa, Fresno, Lima, Stockton, Lorain, Wilmington, Ogden*. School data not furnished.

[20] *New Bedford*. Miscellaneous: wharf; utility sinking fund includes wharf, $52,000.

[21] *Norfolk*. Miscellaneous bonds: municipal docks and terminals; sinking fund not separated by purposes.

[22] *Cambridge*. General bonds include schools; sinking fund not separated by purposes.

[23] *Reading*. School data reported as at July 1, 1923.

[24] *Tacoma*. Miscellaneous bonds: docks and wharves.

[25] *Savannah*. School data not reported; miscellaneous bonds: wharf.

[26] *Peoria*. Miscellaneous bonds: park district; part district sinking fund reported under public utility.

[27] *Hoboken*. General bonds include $2,526,955, temporary improvement bonds, maturities three months to six years, part of cost of improvements being in litigation.

[28] *Little Rock*. City's debt renewed from year to year by issuance of one-year warrants, state constitution prohibiting issuance of bonds by state, counties and cities.

[29] *Holyoke*. Utility bonds include $195,000 Holyoke and Westfield Railroad; the utility sinking fund includes $226,500 stock of that railroad.

[30] *Cedar Rapids*. Miscellaneous bonds: dam.

[31] *Beaumont*. Miscellaneous bonds: wharf, sinking fund not separated by purposes.

[32] *Newport News*. Miscellaneous bonds: boat harbor; sinking fund not separated by purposes.

[33] *Pensacola*. School data not furnished; miscellaneous: dock and belt railroad bonds.

[34] *Montreal*. School debt is divided, Roman Catholic Board $19,914,324 with sinking fund $1,010,258; Protestant Board, $8,867,100 with sinking fund $1,007,580; general and utility sinking funds not separated.

[35] *St. John*. School debt as at June 30, 1923.

RECENT BOOKS REVIEWED

A Syllabus of Municipal Administration. By Lent D. Upson. Ann Arbor: Bureau of Government, University of Michigan, 1923, 66 pp.

This outline was prepared to accompany Dr. Upson's course in the practice of municipal administration in the University of Michigan. It is most fortunate for teachers of government that it has in its present form been made more readily available. Twenty-eight subjects within the scope of municipal administration have been outlined with a somewhat carefully selected list of readings attached to each. The topics treated range from the more commonly treated subjects such as the budget and police to useful and valuable sketches of administrative interests commonly overlooked in treatises on municipal administration, such as the administration of elections and motor transportation. The sections dealing with finance are especially complete and comprise in all nearly one fourth of the outline. One wishes, however, for a more complete treatment of the operation of a municipal law department, city planning and the control of public utilities.

A contribution of this sort, made by one whose contact with the actualities of municipal administration has been so intimate and so extensive as Dr. Upson's, should be welcomed by teachers of municipal government whose perspective is usually severely limited by the conditions of academic life and the possibility of actual contacts with the business of governmental administration. For the administrator himself it should give the subject matter and the guidance for a more complete comprehension of related fields of administration.

Raymond Moley.

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A National Plan Study Brief. By Warren H. Manning. Published as a Special Supplement to *Landscape Architecture* for July, 1923.

Few who read this "National Plan Study Brief" will at first realize the vast effort that has gone into the preparation of its succinct statements and its informative maps and diagrams. Yet, as one comes to realize that Mr. Manning's study relates not to an estate of one man, not to the affairs of one community, not to the progress and the prospects of one state, but to the future of the land we live in, boast about, sometimes lie about, and all too frequently neglect to consider, its importance develops.

Any brief review would be inadequate. The whole of the brief, covering but 24 pages in large type, ought to be read by every man who claims to be a good citizen, because only in such reading can he come to realize the gravity of the problem both now and in the future.

The United States is comparatively a young land. China is an old land. China did not have a national plan study, and with all her teeming population she now alternately starves and fights because there is not a living basis left in much of her area, once covered with the same sort of growth and having the same potential resources as the United States; for it may not be generally known that eastern United States and much of China are curiously akin in many respects of climate and growth.

What Mr. Manning has devoted years of effort and a great deal of expense to developing is the thought of the necessity of a true, comprehensive national plan study. This brief only sets out the need in the fewest possible words. That it has been impressive is shown in the foreword provided by the late Franklin K. Lane, who says of it that the study made "is as fascinating as fiction, yet it is all very solemn fact." Mr. Manning sets up a plan for development which is practicable and which should be promoted. He also says, "With a definite coordinated plan for the development of our resources and peoples in which we can all take part, we shall enter a new era of progressive growth." All this is entirely true. It is to be hoped that citizens will obtain and read this brief for the good it will do them and the nation.

J. Horace McFarland.

*

The Regulation and Management of Public Utilities. By Charles Stillmen Morgan, Ph. D. Boston and New York: Houghton Mifflin Company, 1923, pp. xi, 362.

This Hart, Schaffner and Marx prize essay is essentially an analysis of the effect of regulation upon the efficiency of a business enterprise. The study, however, itself, has been made specifically in terms of public utilities. The general point of view maintained, is that regulation may be of substantial benefit to all parties, but it is not without its shortcomings which may bode ill for the future.

In discussing the efficiency of public utilities the author admits that there are so many variables to be taken into consideration that efficiency cannot be judged absolutely, but only relatively. Methods of comparison from various standpoints are discussed and evidence presented, however, to indicate that there is great difference in the efficiency with which various utility enterprises are conducted. He discusses the several causes leading up to this difference in efficiency included in which are, causes relating to the inherent nature of public utilities, those relating to the regulation to which they are subject, those relating to difference in opportunity, those relating to difference in capacities of individuals and other more temporary causes. It is pointed out that regulation has done away with the speculative element and the reward not being possible, the effort is not put forth. On the other hand, it is admitted that a control of rates has made rate wars impossible and is a step in the right direction. The effect of participation by the regulating commission in the management and the effect of regulation on initiative is quite fully discussed, it being pointed out that any sort of regulation puts a damper upon individual initiative.

The introduction of regulation to correct specific evils, the gradual enlargement of regulative authority, the determining of proper operating and capital charges and of a fair rate of return, have been dwelt upon at length.

Service-at-cost and the sliding scale basis of regulation are given considerable attention, and explanation is given why the sliding scale basis is so little used in the United States. In discussing service-at-cost, it is pointed out that it has saved many utilities from complete annihilation, but it is inherently inefficient. The company is spending the city's money and not its own and under normal conditions, parts with it more readily. An analysis of services-at-cost franchises is given and provision for promoting efficiency discussed.

The question of management is touched upon and the advisability of rewarding management for efficiency as well as capital is advised.

In summing up the author maintains that signs are perceptible which indicate that the emphasis in the regulation of public utilities, which in the past has been more largely on the reduction of return which goes to capital and business ability, is now being shifted to embrace the idea that greater good to all concerned will result from the establishment of conditions which will conduce to such an energizing of the agencies directing public utilities undertakings as will lead to their making the fullest use of the means put at their disposal.

The time is certainly opportune for a critical examination of the accomplishments of regulation, with a view to a better guidance of its future course of development and the author in a capable manner has brought out many points of value and interest.

R. Fraser Armstrong.

*

Accountants' Handbook: E. A. Saliers, editor. Chapter on municipal accounting and budget by H. N. E. Gleason. New York: Ronald Press 1923. Pp. xxxviii, 1675.

The "Accountants' Handbook" contains over 1,700 pages and discusses in summary form all phases of accounting, as well as many related subjects. As suggested by the title, it is adapted to reference use more than to general reading. Although it does not give an exhaustive treatment of any of the subjects presented, it is at the same time a valuable work in the field. It fills much the same place in the accounting field as the engineering handbooks do in the engineering field.

Among the thirty-three chapters in the handbook, the present reviewers, however, are mainly interested in Chapter 25 on municipal accounting. The treatment in all other chapters is entirely on the subject of commercial accounting. Because of space limitations, Chapter 25, which covers 46 pages, is nothing more than a bare outline of the subject of accounting and budget making in municipalities. Consideration of accounting and budget in other governmental units is omitted.

The subject matter contained in Chapter 25 is fairly well chosen, but it could have been more logically arranged. The diagrams and analyses of transactions as presented are useful to the reader. The presentation of the general principles of accounting is too limited in its treatment. For this reason it gives the impression of being superficial and even dogmatic. The classification of funds, for example, is outlined under "general" and "special" funds, the latter group being divided into "capital," "sinking" and "special and trust" funds. Such a classification is more or less common in practice, but it is by no means a standard classification. And it does not represent the latest and most exhaustive study on the subject.

Another example of the rather narrow treatment of certain general accounting principles is the application of the capital balance sheet of commercial concerns to governments. Fixed or permanent property is represented in the financial statements as an asset with which long term bonded debt may be liquidated. No importance is attached to the fact that many accountants have decided that the use of the capital balance sheet in governmental accounting is of little or no value and that it may even be misleading. The author sees only the commercial side of the question in his discussion. In fact, one gets the idea that he feels a certain impatience with his subject because he cannot make the requirements of municipal accounting conform throughout with those of commercial enterprises.

The part of the chapter relating to the budget is good as far as it goes, but it does not cover some of the more important points. It handles as well as could be expected in brief compass the matter of classification and the form of estimates, even illustrating estimate sheets. But it neglects to say very much about the contents and set-up of the budget document. While instructions are given for bringing together budget information, the reader is left largely to his own ingenuity in tabulating and summarizing this information in proper budget form for presentation to the city council and the public. Thus, the prime element in budget making is practically overlooked.

W. Watson and A. E. Buck.

PUBLIC HEALTH NOTES

EDITED BY CARL E. McCOMBS, M. D.

Physical Examination of Food Handlers in Bluefield, W. Va.—Bluefield, West Virginia, which is making rapid progress in the development of efficient public service under Clarence E. Ridley, city manager, recently passed an ordinance requiring the physical examination of all food handlers. The result was that fifteen persons, presumably infected with disease, left the city rather than submit to the physical examination, and out of 178 persons examined twelve were refused permission to work in food establishments because they were infected with disease.

Many of our larger cities have adopted this procedure as a protection against food contamination and the spread of disease thereby but hundreds of smaller cities are still permitting the health of citizens to be endangered by food handlers with tuberculosis, venereal disease, typhoid infection and other diseases in communicable form. The cities of Newark and New York have published some interesting documents on disease among food handlers which may be had for the asking.

◆

Typhoid Fever at a Southern University.—*Health Briefs,* the official bulletin of the Tennessee Department of Public Health reports in a recent issue a serious outbreak of typhoid fever at Lincoln Memorial University at Harrogate, Tenn. The fact that the fifty cases which developed were confined to the university indicated that the source of infection was not the water supply or milk supply since the same sources were utilized by residents of the village of Harrogate and neighboring communities. Bacteriological tests of milk and water confirmed this conclusion. The source of infection was finally fixed upon a typhoid carrier in the kitchen of the university dining room. The source having been located the spread of infection was promptly checked. This serious and sharp outbreak of typhoid emphasizes the necessity for more thorough examination of food handlers to exclude not only those having acute infections but carriers who are apparently well. Certainly in our large educational institutions and in hospitals there should be no opportunity for an outbreak of disease so readily transmitted by food handlers.

◆

Good Law and Good Sense on the Fly Question.—*The Nation's Health* reports at length the finding of the supreme court of Maine in the case of a suit resulting from the defendant's leaving the plaintiff's hotel because of flies in the hotel dining room. The court, following a general discussion in its decision of the rôle of the fly as a disease carrier, held

> that the defendant left the plaintiff's hotel on account of the obnoxious presence of flies there can be no doubt, and the court thinks that he was justified in so doing. Accidentally flies may occasionally invade any dining room, public or private; but the presence of flies in a dining room regularly in numbers, however small, is a menace not to be encouraged or tolerated. A single fly may so contaminate food, or drink as to communicate a dangerous or even deadly disease like tuberculosis or typhoid fever. To the person, therefore, who knows the danger, flies about the food, in numbers however small, are at once repulsive, nauseating, and dreaded. To those informed on the subject, this case presented a matter of importance for serious consideration. Reasonable conditions of sanitation are always to be measured by the fatality of the disease likely to be communicated as the result of the lack of such conditions.

◆

Compulsory Pasteurization of Milk Upheld by Court.—A recent decision of the North Carolina supreme court declares valid an ordinance of the town of Tarboro, N. C., requiring pasteurization of all milk sold in the town. The ordinance, adopted in 1918, on the recommendation of the county health department, resulted in the establishment of a municipal pasteurizing plant. A local dealer, convicted in a lower court of violation of the ordinance, was fined $25. He appealed on the ground that the ordinance under which he was convicted is an unreasonable exercise of police power and therefore void. The justice, writing the opinion for the supreme court said, "We think the ordinance in question is valid. Its violation is admitted. No error." This decision should stimulate other communities needing more adequate protection of their milk supplies to follow Tarboro's example.

Common Colds and Their Significance.—In the May issue of the *American Journal of Public Health,* Eugene C. Howe, gives the result of an examination of 367 college freshmen from October, 1919, to April, 1920, with special reference to their "colds". His report is interesting not only as to the incidence of colds but as indicative that the common cold instead of being a mere annoyance is a real and serious factor in lowering physical and mental efficiency. His conclusions, briefly summarized, are as follows: (1) only twenty-six out of the 367, or between 7 and 8 per cent, were free of colds; (2) many colds were of considerable duration, the majority lasting more than five days and more than a third from 8 to 15 days; (3) "head colds" predominated; (4) more than half of those affected reported moderate to considerable decrease of efficiency and almost a third considerable decrease. In view of the ready communicability of colds, these facts are of value in indicating the tremendous loss in health and working efficiency from this cause that occurs yearly in every community. Health officers would do well to emphasize the importance of prevention of colds. Many more serious infections occur at the time when resistance is lowered because of simple colds. One hears many times of colds that "turned into pneumonia" or other serious, often fatal infections, but the fact is that in most cases the colds merely lowered the individuals' resistance and paved the way for new infections.

◆

Importance of Sterilization of Milk Bottles.—A recent study by the Minnesota state board of health of methods of sterilization of milk bottles in pasteurizing plants throughout that state emphasizes the necessity of this procedure for the prevention of milk contamination. The investigation showed that in the plants where no provisions were made for sterilization of bottles a high bacterial content of bottles was general. In these plants the bacterial content of bottles ranged from 59,000 to 8,400,000. Comparison of the efficiency of sterilization of bottles by steam and by chlorine solution indicated that chlorine is the more dependable agent. Steam, when applied carefully with automatic machines, gave excellent results, but the investigators found that in many instances the operators neglected to carry out all details of the operation with resulting inefficiency of sterilization. In the plants where steam was used by manually operated machines sterilization was generally inadequate. Chlorine solutions for sterilizing milk bottles have been in use for some time in a number of pasteurizing plants in Minnesota and no objection to the use of such solutions has been reported. They are inexpensive, easily prepared, and can be applied by relatively inexperienced operators. The investigators concluded that the mere presence of good sterilization equipment in a pasteurizing plant is by no means sufficient evidence that bottles are properly treated. They urge the importance of frequent and detailed examination of all pasteurizing processes and frequent bacteriological tests to ensure efficiency of bottle sterilization. It is not unusual to find that the benefit resulting from complete and thorough pasteurization of milk is largely offset by the failure of operators to protect all other milk handling processes incidental to it. In the light of the findings of the Minnesota state board of health it would seem highly desirable for every community depending upon pasteurized milk to see to it that all milk handling operations and equipment in pasteurizing plants are given frequent and thorough examination.

AMERICAN CIVIC ASSOCIATION NOTES

EDITED BY HARLEAN JAMES

The Twentieth Anniversary Luncheon of the American Civic Association, held in Washington on April 9, not only set forth in its broad outlines the civic accomplishments of the Association but every speaker paid tribute to the twenty years of unselfish service which has been rendered by its president, Mr. J. Horace McFarland of Harrisburg, Pa. Mr. McFarland has personally visited more than five hundred cities and towns during this period. Nowadays he frequently has the pleasure of revisiting cities after a lapse of years to find that they have profited by his advice. No doubt there are in these United States many acres of public parks which would not exist if Mr. McFarland had not for a quarter of a century been preaching the gospel of park acquirement at the right time. The time to acquire a park, as all civic workers know, is before its natural beauty has been ruined and before it has taken on a high valuation due to metropolitan congestion; but, unfortunately, many city officials do not know this until their attention is called to the trend of events. And so all along the civic line, Mr. McFarland has been giving sound advice, based on common sense and experience, to the end of making American communities better places in which to live.

Mrs. Edward W. Biddle, vice-president of the American Civic Association, who presided at the luncheon, has a record for civic achievement no less important, and now, as chairman of the Philadelphia committee on the Federal City, Mrs. Biddle is rendering a signal service to the country. Mr. Clinton Rogers Woodruff, treasurer, has held every office in the Association except that of president. He followed Mr. Charles Mulford Robinson as secretary and was followed by Mr. Richard B. Watrous who served the Association for ten years. Mr. Watrous, on behalf of the board members and friends of Mr. McFarland, presented him with a Royal Bokhara rug as a testimony of the appreciation of Mr. McFarland's associates for his long and faithful devotion to the cause of better living conditions in America. Mrs. Albert Lee Thurman, then Eleanor Marshall, acted as secretary during the war years when civic work was crowded by military necessity and she was largely responsible for the revival of interest and support in the years of 1919 and 1920.

At the anniversary luncheon the American Civic Association took stock of its accomplishments, not to spend long hours in reminiscence of the past, but in order to see the foundation for extension of service in the future. The entire technique of city building has undergone a revolution in the last twenty years. The increase in the mere numbers of the population has complicated the business of maintaining an enlightened democracy. It is, therefore, necessary, if an organization is to meet the demands of to-day, that information be gathered from more sources and offered to more communities. In the next twenty years it is hoped to make the name of the American Civic Association a synonym for reliable information concerning the practices of communities in providing modern living conditions.

⁂

Mr. Gregg Talks about the Yellowstone.—At the anniversary luncheon Mr. William C. Gregg, who has taken a keen interest in the preservation of the Yellowstone National Park from commercial encroachments and has discovered many new and unnamed cascades in the hitherto little-explored southwest corner, called attention to the two pending Walsh bills designed to secure for the settlers in Montana, present and future, a free franchise of the top of Yellowstone Lake in order to store water for commercial purposes. Mr. Gregg was unable to see the difference between the selling for a low price the oil reserves of the Government and the *giving away* for no price at all of reservoir space, especially when that space would rest on top of the surface of a unique and beautiful lake set aside by the Congress of the United States for all time for the use and benefit of *all* the people of the country. Very aptly Mr. Gregg stated that oil and water do not mix, that at present the oil was on top and he was only calling attention to the water underneath!

⁂

The Federal City Dinner was attended by more than three hundred. One hundred and eighty of these came from Philadelphia on a special train, which was provided at the instance of Mr. Robert Tracy, secretary of the City Club. The entire crowd visited the Pan-American Union Building, where they were received by Dr. L. S. Rowe, director of the Pan American Union, and then proceeded to the executive offices, where Mr. McFarland introduced each one to the President of the United States.

At the Federal City dinner Mr. Frederic A. Delano made a very excellent statement of the purposes of the Washington Committee of One Hundred on the Federal City, particularly calling attention to the fact that the District of Columbia suffers from the necessity of bringing far too many details before the Congress of the United States. He outlined the provisions of the Capital Park commission bill which would set up a machinery for acquiring park lands for the capital which would leave the final authority in the hands of Congress but would eliminate many of the preliminary steps now necessary in order to acquire a single foot of land for park or playground purposes.

Mr. McFarland acted as toastmaster and introduced Colonel Wetherill, vice-president of the Philadelphia City Club. Judge John Barton Payne deplored the lack of plan in the later development of Washington and made a plea for a comprehensive plan which would make ample provision for small as well as large parks. Herbert Hoover, secretary of commerce, stated that in his opinion, far outweighing the economic advantages to be derived from intelligent city planning and zoning, was the actual human service which resulted from better living conditions. Mr. Hoover laid stress on the need for consistent application of the zoning regulations. Senator Ball spoke in favor of a more responsible form of government for the District of Columbia where one man, appointed by the President, would have sufficient authority to bring beneficial results. Senator Pepper declared his interest in the capital city but said that many other important affairs were apt to crowd out the measures for the district if organizations such as the American Civic Association did not keep constantly before the members of the Congress the needs of the Federal City.

An exhibit of maps and photographs loaned by the Fine Arts Commission, the office of public buildings and grounds and the district commissioners was arranged by Mr. H. P. Cammerer, secretary of the Fine Arts Commission. Literature from the American Civic Association, the Fine Arts Commission, the division of building and housing of the Department of Commerce and from the Better Homes Bureau was on display.

The trip around Washington in the afternoon was designed to show the contrasts between the beauty which has resulted from the fine vision of the L'Enfant Plan, the park commission of 1901 and the Commission of Fine Arts and the unplanned areas both within and without the original city.

The account of the conference is here given thus fully because it is believed that the interest shown this year at the second conference on the Federal City (the first to which out-of-town citizens of Washington have been invited) is only an indication of a far greater interest and attendance in the two-or-three-day conference to be arranged next year. Many of those who came this year have said that they would like to come again next year. Many who were prevented from coming because of other engagements have stated their intention of coming to Washington for the next conference.

⁂

Billboards, in twenty years from now, will be rare and in fifty years from now will be obsolete. There is no doubt that the tide has definitely turned. For years the civic associations have been fighting billboards because of their violence to the landscape of this beloved country of ours, because of the attending dangers of fire, insanitary rubbish and hidden corners.

But, as in many other reforms, the result is likely to be accomplished, not because of aesthetic or moral reasons, or even because of safety; but because it is being discovered by many large advertisers that billboard advertising is not bringing traced results at all commensurate with the cost. The revulsion of public feeling caused by the increasing popularity of country motoring and the education of the public taste have no doubt been largely responsible for this. So many citizens are now taking the trouble to make a mental or written note *not* to purchase salt or oil or tires or cars or what not advertised on objectionable billboards that the money invested in such billboards is becoming a *warning* rather than a drawing sign.

Mrs. W. L. Lawton, chairman of the National Committee for Restriction of Outdoor Advertising, is able to announce every few days, another national advertiser who promises to make no more contracts for objectionable outdoor advertising. This is the beginning of the end.

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Commissioners Regulate Advertising in the District of Columbia.—The discussion of billboard restriction is bringing many results other than the elimination of great national advertisers. The commissioners of the District of Columbia have ordered down all advertising signs which do not advertise goods sold on the premises, on Pennsylvania Avenue between the Capitol and the White House. It was necessary as a first step to persuade the federal government itself to forego the income derived on a government-owned building for a certain commodity. The zoning law had already prohibited all advertising from residence districts. Moreover the commissioners have restricted the size of all advertising signs. Almost no applications for new billboards are being received. Certainly billboards are on the run. Outdoor advertising companies should be thinking up substitutes if they would continue in business.

*

Books about Washington.—In order to be well informed about Washington it is necessary to spend some time in reading about it. The following is given as a short lists of books which can usually be found in the public libraries of the larger cities or obtained from the publishers through the American Civic Association. One or two are now out of print, but, fortunately, were placed on the shelves of many libraries of the country before the supply was exhausted.

Washington and Its Romance. *Thomas Nelson Page.* Doubleday, Page & Co., 1923; 196 pp.

Reports of the National Commission of Fine Arts, established in 1910. Government Printing Office, Washington, D. C.

Preliminary Report by the Washington Committee of 100 on the Federal City to the American Civic Association, Washington, D. C., January 3, 1924; 97 pp.

Art in Our Country Handbook. *American Federation of Arts.* December, 1923; pp. 141–6 inc. on Washington, D. C.

The Park System of the District of Columbia Senate Report No. 166, to the 57th Congress, First Session.

Celebration of the 100th Anniversary of the Establishment of the Seat of Government in the District of Columbia. Compiled by *William V. Cox.* Government Printing Office, Washington, 1901.

History of the United States Capitol, *Glenn Brown*, 1900.

Papers on the Improvement of Washington City, *Glenn Brown*, 1901.

The Octagon, *Glenn Brown*, 1915.

The District of Columbia, *William Tindall.* Washington, D. C., 1889.

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NOTES AND EVENTS

Non-Partisan Municipal Elections Saved in New York State.—New York narrowly escaped having an absolute prohibition against non-partisan municipal elections written on its statute books this year. A courageous veto from Governor Smith, however, effectively stopped it. The reactionary proposal originated in Buffalo where both Democratic and Republican politicians have chafed under the terms of a charter providing for non-partisan primaries and elections for the choice of members of the municipal commission. Failing in their efforts to change the charter directly, the bi-partisan partnership sought to amend the general election law of the state by simply cutting out of it two words.

Section 130 of the election law provides that all official ballots shall carry party emblems, but it contains an exception in the following phrase: "but this article shall not repeal nor affect the provisions of a statute, general or local, prescribing a particular method of making nominations of candidates for certain school or city officers." Under this exception certain cities acting under the optional city charter law have adopted non-partisan charters. Others have had charters granted by the legislature containing non-partisan provisions as was the case in Buffalo. The bill introduced this year merely cut out the two words "or city" leaving school officers the only ones who could be elected on a non-partisan ballot.

Had this proposal become law, it would have affected not only Buffalo but a dozen or more other cities in the state operating under non-partisan ballots. The bill was introduced early in the session by Mr. Jenks, chairman of the judiciary committee but made no progress until toward its close. The State Conference of Mayors took action against it as did many civic organizations. The Jenks bill passed the assembly, but its senate counterpart was held up in judiciary committee on the objection of the chairman. In the last week of the session another senator introduced it in the senate and to escape the opposition of the judiciary committee it was sent to the general laws committee, which has never heretofore considered election law amendments. This committee was more complacent and reported the second senate bill, which was advanced to final reading where the assembly bill was substituted for it and passed.

In response to many requests, Governor Smith gave a public hearing on the bill during the thirty-day period. His keen questions directed to the proponents of the bill brought out their admission that they were doubtful whether they could bring about the change they desired except through general legislation. The governor took a strong stand against legislation that would prohibit every city in the state from holding non-partisan elections just because a group in Buffalo did not like them. He eventually vetoed the bill with a strong message in which he pointed out that under the new home rule enabling act any city could adopt a non-partisan form of ballot for city officers or if it had the non-partisan form, change back to the ballot carrying a party emblem. He declared that the bill was "in letter as well as in spirit, a violation of the home rule principle to which we are so strongly committed by constitutional amendment as well as legislative enactment. This amendment to the election law has for its effect the nullification of that part of the enabling act which would permit cities now operating under commission form of government to make what changes they themselves desire with regard to the manner and method of nominating their city officials. We cannot be declaring in one bill for the principle of home rule and then destroying any part of it in another. It is a principle, and when we begin to compromise with that principle we are inviting its ultimate destruction."

Walter T. Arndt.

⁂

Housing Facts from Philadelphia.—As usual with the reports of the Philadelphia Housing Association, their recent publication, "Housing in Philadelphia" is a valuable discussion of the present situation. Mr. Newman puts squarely up to the municipality the responsibility for the continuance of its bad housing and bad sanitation. "It is not ignorance of the fact," says the report, "that such insanitation prevails nor is it the lack of city funds to meet the situation, that can account for the contentment with which Philadelphians accept year after year the filth cached in thousands of privy vaults or flowing through back alleys over pavements that are veritable surface sewers." The city knows of these facts and knows that this situation is a blight to Philadelphia, but does little about it.

ASSESSMENTS ARE UNFAIR

The report points out that driven by the emergency of the situation many of their three-story private dwellings are being converted into tenement houses with conditions that are not creditable to the city. It points out that a fair assessment of valuation of property for taxation is not being made and that the small householder is paying more than his full share. Few reports have been more direct and more courageous in pointing out the delinquency of the city in dealing with this vital problem or in putting the responsibility squarely up to the citizens.

The constant check-up of the Philadelphia Housing Association on the enforcement of the city's regulation of housing indicates laxness of enforcement which the report does not hesitate to criticize scathingly. Certainly no one can disagree with the statement that it is ridiculous to expect five city inspectors to cover all the insanitary houses in a community the size of Philadelphia.

Analyzing what is happening in home construction in Philadelphia the association finds that the bulk of homes built during 1922 would have to sell for from $6,000 to $9,000 each. Less than 5 per cent are for sale at $4,000 or less and there are practically no houses under $3,600. The construction of multiple family houses is on the increase, although they provide housing accommodations only for people who can afford to pay $15 a room or more. The housing shortage in Philadelphia instead of being reduced in 1922 was actually increased in spite of the unprecedented number of building permits issued. At any rate, the Report states,

> the housing needs of the average citizen have been entirely overlooked, while the housing needs of the small wage-earners who have had their rents raised more than any other group of the city will obtain practically no relief. The result is that a much larger proportion of our population than heretofore is being forced to take the left-overs, buildings not adapted to modern living, dilapidated buildings, tenements or even to give up home life altogether and live as roomers.

The following picture which Mr. Newman presents of Philadelphia may well be used to describe the housing plight of most of our cities:

> This is the present situation—a phenomenal housing shortage, an increase in multiple occupancy, more families herded in single rooms than heretofore, cellar living insistent, a building program almost the largest in the city's history unable materially to reduce the shortage, a large population growth continuing unabated. . . . The housing shortage will affect Philadelphia anti-socially for many years to come, not only in the reaction upon family life resulting from rearing children under abnormal living conditions, but through the opportunity it presents to the rent gouger to ply his nefarious practice.

IS LOW-COST HOUSING POSSIBLE?

When it comes to the question of low-cost housing the report has some interesting things to say. For instance:

> The Housing Association has been much interested in this problem. It does not admit that the small house cannot be built at a cost within the small wage-earner's income and it looks with uneasiness on the tendency to spread the propaganda of the higher priced house as the best that can be offered under present conditions. The gullibility of the public in accepting as a fact the unproved assertions that a lower priced house cannot be built under present conditions would be amusing were it not so serious. The seriousness of the unchallenged acceptance of this propaganda is that it restrains those who might proceed with construction from undertaking low-cost building, while it practically forces the buyers into believing they must buy at any price.

The association claims that houses can be built suitable for the average family and at a price within their means,

> provided cheap building money is available, frills are omitted, and the builders are willing to take a modest profit.
>
> The Housing Association has developed plans upon which bona fide construction bids have been received which show a cost of $2,650 to $2,800 per house in units of ten including the builder's profits of about $550. . . . With low financing costs and a small builder's profit, such houses can be built to rent at twenty-five dollars a month. . . .

This is one of the most striking statements in the report. The experience of most cities which have tried to see their way clear to build houses that can rent for twenty-five dollars a month have found it utterly impossible to do so. The Philadelphia Housing Association is certainly correct in stating that the tendency not only in Philadelphia, but in our other cities, has been to accept as a fact that it is impossible to build homes for people of very low income groups. There has been every evidence to substantiate that belief. If the Philadelphia Housing Association is able to show concretely that it can build houses of four rooms with conveniences, to rent for twenty-five dollars a month, it will make a great contribution to the housing problem. Many people who have been grappling with this situation will be skeptical until it has been done.

Bleeker Marquette.

*

Tacoma Has Municipal Broom Plant.—For the past twenty years the city of Tacoma, Washington has been operating a municipal brush and broom factory.

This factory takes up all of the space in a twelve-by-fifteen-foot room in the city garage and storehouse at the municipal yards. Its operating force consists of one person, "Old Man" Johnson, as he is affectionately known. He has grown gray in the service of Tacoma. For thirty-four years he has served the city—and for the past twenty years he has made all of its brushes and brooms. He is the brains of the plant, and the power, too, for all of the machinery there he operates either with his foot or his hands. He says it's safer, and that he can turn out better products when setting his own speed. And it was quality, or rather the lack of it, that started Johnson, on his interesting and unique broom-making career.

It seems that twenty years ago the general run of brooms was below the standard of to-day. At that time Tacoma purchased a shipment of push-brooms for street cleaning. All but a dozen of them soon came apart when put into use. Johnson opined that he could make a better push-broom and he demonstrated that he could. He set to work and turned out a broom that had its fiber wired instead of glued, and with two holes in the head instead of one, so that it could be reversed, which gave it two lives instead of one. From this beginning the Tacoma city broom factory was evolved.

Should you visit this little plant you might note these articles among its many products: horse-brushes (souvenirs of the past, for, as the city departments are now motorized, they are no longer used); a nine foot power sweeper; floor brushes of horsehair; shop and warehouse brooms made of palm-leaves; house-brooms of broom corn; auto brushes of several models; narrow, short-handled brooms for sprinkling asphalt; floor brushes of bassine and tampico material; calcimine brushes; circular sewer brooms of steel wire, 3½ feet in length and 7½ to 23½ inches in circumference, operated with cable and windlass; in short, the plant turns out every kind of brush, wire, fiber, or hair, the city has use for. Many of these brushes are Johnson's improvement over the original design, some his own invention and others from designs sent in by heads of departments, conceived to meet specific and unusual requirements.

This plant is one of numerous utilities operated under the city's department of public works, presided over by Commissioner H. Roy Harrison, and it is said to save the city money. All of the materials used are purchased through local jobbers, and if not up to standard they are turned back. A strict account is kept of expenditures for materials and labor, and, according to Storekeeper Monty, Tacoma gets its brooms approximately forty per cent cheaper than it would if it bought them ready-made—and they are every one of "Old Man" Johnson quality, which means that they last as long as the material in them lasts.

Charles W. Geiger.

*

Commission Government Declared "Un-American."—Rahway, N. J., with a population of about 12,000, has had a commission form of government for six years, but has reverted by popular election to the mayor-council form. The form of government adopted consists primarily of the mayor, with a council of eleven made up of two members from each of five wards, and one member at large. The actual type of government was in reality a minor issue, the campaign being waged on personalities and "patriotism." The central point of attack was the existing mayor, James B. Furber, who had received the highest number of votes in the election of the commission of three and was designated as mayor according to custom. He had run as a Socialist and headed the department of public safety and public affairs. While in office he reorganized the police and fire departments, changing the latter from a volunteer to a paid basis; he succeeded in establishing municipal milk stations, in getting under way an extensive program of sidewalk construction, in publishing a municipal bulletin, and was the first to appoint women to the school board of five members. One of his two women appointees to the board was a Jewess. This and his selection of a Catholic for chief of police were not popular in many quarters.

There was very little open campaigning for the proposed charter, although an organization known as the Loyal Citizens' Association held secret meetings. The local semi-weekly press contained charges of pacifism and radicalism against the mayor and the supporters of the existing form of government. The culminating accusation was that commission government is un-American; and all in favor of the change were urged to hang out American flags on election day. This was done, and some sixty automobiles were supplied by the opponents of the administration. The vote was 2,922 for the change, and 981 against. The night following election day brought several threatening demonstrations against the administration's supporters, but no actual violence occurred. On the following day the American Legion announced that it would start a petition to recall the mayor, but he has resigned in recognition of the expression at the polls.

The city manager form of government became an element in the campaign when the administration adherents suggested that if a change was desired they would support the commission-manager form. This, however, was repudiated as being no less un-American than the straight commission form.

◆

Three Million Persons Visit Manhattan Daily—Cost of Resultant Traffic Congestions.—The cost of street traffic congestion on Manhattan Island is estimated at $500,000 a day and the cost of congestion in the area known as the Region of New York and Its Environs is estimated at $1,000,000 a day in a report which was submitted in May to a conference of mayors, borough and village presidents, city engineers, and the representatives of business interests and civic organizations from the 411 communities in this region.

The report says that while no exact figures are available as to the cost of traffic congestion within the New York region, some idea of the probable losses may be secured by comparison with other communities where such estimates have been carefully made. After citing investigations indicating losses of $35,000 a day in Worcester, Mass., $100,000 a day in Cincinnati, and $200,000 a day in Chicago, it adds: "Judged by the total amount of traffic in these various communities compared with New York, it would seem safe to estimate the cost of congestion in Manhattan Island at $500,000 per day, and the cost in the whole Region at approximately $1,000,000 a day."

The investigations on which this report is based disclosed the striking fact that 2,849,600 persons and 223,450 vehicles enter Manhattan, south of 59th Street, during 24 hours on a typical business day. Of these 1,352,500 persons, or nearly half of Manhattan's daily visiting population, come from the Bronx, Westchester county and other points north of Manhattan; 1,116,900 persons, or 39 per cent come into Manhattan from Brooklyn and Queens; and 341,000 persons or 12 per cent come from New Jersey.

Of the quarter million visiting vehicles which daily contribute to Manhattan's congestion 132,800 or 59.4 per cent come from the Bronx and Westchester county; 57,940 or 25.9 per cent come from Brooklyn, Queens and the rest of Long Island, and 30,300 vehicles or 13.6 per cent come from New Jersey by ferries south of 59th Street.

A chart in the report shows how Manhattan-bound traffic, originating in Connecticut, New Jersey, upper New York state, Brooklyn and Queens, starts with a density of 500 vehicles or less per hour, steadily increases in density as it nears Manhattan, and finally pours into the city at the rate of 1,000 to 1,500 vehicles per hour, per road.

◆

Columbus, Georgia, Pleased with Manager Government.—The following editorial from the *Columbus Ledger* is self-explanatory:

> That Columbus has made gratifying progress under commission-manager government the past two years is made plain by the annual audit just completed by the city auditor and placed in the hands of City Manager Richards.
>
> In the list of assets there appeared $138,454 cash balance on hand, some of which had been invested in savings banks to draw interest. Other assets included the city's splendid waterworks system, its school buildings, modern hospital, city hall and other permanent improvements, which foot up a total of $4,432,599 more than all outstanding obligations.
>
> This is a remarkable showing, one which is a genuine credit to the city, and it will be noted with pride by the people. It will be seen by comparative figures carried in the audit, that a deficit has been wiped out and a good big surplus is in the banks to the city's credit, notwithstanding the fact that permanent public

improvements have gone on, paving extensions and sewerage work being numerous and other improvements have been made in the interest of general betterments.

While assessments have gone up, which is a natural consequence of city growth and expansion—and in some instances they may be too high—at the same time the city tax rates have not been increased, and this fact stands out to the credit of those in authority, making their achievement all the more remarkable and gratifying.

The third year under commission-manager government is now well underway with brightest and most promising prospects facing Columbus. A near $400,000 vaiduct is to be erected by the Central of Georgia and other big developments, including mammoth investments on the Chattahoochee river above the city, are planned. The city has called for a bond election in May when the people will be asked to approve of a program for schools, sewers and other needed items totaling the sum of $900,000.

⁂

Virginia's Youngest City Changes to the Manager Plan.—At a special election held in Hopewell, Virginia, May 9, the proponents of the city manager plan won out by a majority of fifteen votes out of a total of six hundred sixty-nine ballots cast in a bitterly contested election. Five councilmen will be elected for terms of four years, on June 10. This council will appoint a city manager to serve either at will or for a term of three years (under the Virginia law).

Hopewell is Virginia's youngest city, it having grown up around the big gun cotton plant of the du-Pont interests built in 1914 and 1915. Its charter was granted by the state assembly in 1916. After the war ceased, Hopewell slumped but the citizens and the du-Ponts got together in a successful drive for new industries, and the city now has approximately fifteen thousand people. It is entirely a manufacturing city. The climate is excellent and there is promised a great future.

No sooner were the ballots canvassed than all factions agreed to get together and elect five of the best men possible for the new government.

J. KENNETH MCCOTTER.[1]

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[1] Member of Virginia Assembly.

NATIONAL
MUNICIPAL REVIEW

VOL. XIII, No. 7 JULY, 1924 TOTAL No. 97

BILLBOARDS AND THE MOTORIST

BY HARLEAN JAMES

Secretary, American Civic Association

The growing resentment of motorists against billboards which despoil the landscape and increase the hazards of the road. :: :: ::

To one who travels by train from the tree-bordered streets of Washington to the cement, stone and bright lights of New York it must seem that the acme of ugliness has been reached in the procession of advertising signs which marches past the car window. In spite of all the earnest effort which has been exerted in this country during the past quarter of a century it is safe to say that outdoor advertising has increased in capital invested, in space covered by painted signs and posters, and in persons employed. This growth of importance on the part of the billboard people seems particularly discouraging to those whose eyes are constantly offended by florid recommendations of tobacco, razors, chewing gum and rubber tires. The tendency of the times to capture the attention of the public by aggressive insistence that the consumer *must* buy this or that seems at first glance almost impossible to combat.

But there is another impulse in this country which bids fair to outdistance the outdoor advertiser in capital invested, in space occupied and in persons employed, and that is the use of pleasure automobiles. The number of American families who motor over the highways of the land on every pleasant week-end and during vacation periods in summer must be legion. And the amount of money which is spent in hotels, tea-houses, and markets along the line of travel must come each year to quite a tidy sum. In the first flush of learning to guide the turning wheels the American public was thankful to find a smooth road, but with increasingly fool-proof mechanism, the eyes of the motorists are searching for something worth while to see.

Where do we find the congestion of motorists on pleasure bent? Most certainly along the scenic highways of the country or along roads leading to scenic points. And our sophisticated motorists are becoming more and more discriminating as they range further from home. Consequently we are finding that the billboards which were disapproved by a small band of nature lovers who could not exert a very potent influence to abolish them are now coming into disfavor with a constantly-increasing army of motorists who have already expressed themselves in a few well-chosen words and who will undoubtedly speak more at length in the future.

WHY MOTORISTS DISLIKE BILLBOARDS

Why do motorists dislike billboards? In the first place, as has been indicated, the pleasure motorist is looking for beautiful scenery which, in spite of ax, hammer and billboards, still exists in considerable areas in the United States. Now, whatever may be said for what is recommended as an "artistic" billboard placed on a vacant lot between two commercial buildings in a dingy little town or a sprawling, ugly city at the awkward age, there is little to be said for painted boards placed in the foreground of magnificent water falls, stupendous mountain cliffs, or even of pleasant pastures and tree-strewn hills.

A number of years ago Punchbowl, an impressive volcanic crater of past ages which forms the background for the tropic green of Honolulu was covered, during the night, with a legend urging the use of a certain brand of soap. The next morning, when the indignant inhabitants beheld the misplaced advertisement, they became so vociferous that the transgressor was forced by the territory to spend painful days in scrubbing from the face of the rock all trace of the sign so easily painted during the night. Public opinion simply would not tolerate such a desecration.

Public opinion among motorists who ride for pleasure is crystallizing quite definitely in favor of protecting the scenic spots of the country from the disfiguring billboard. Already in many cities billboards are banned within a certain distance of park entrances. The national parks are protected from billboards within and State parks are usually protected from billboards within and without, at least so far as the state highways are concerned. Throughout the west there is a growing tendency to abolish billboards from the national forests, particularly those used for recreation. And these conditions have been brought about by broad-minded officials who reflected public opinion.

THE NATIONAL COMMITTEE FOR RESTRICTION OF OUTDOOR ADVERTISING

Basing its efforts on gains already made in protection of parks and wonders of nature and making full use of the principle of focusing an intelligent public opinion against the billboards, the National Committee for Restriction of Outdoor Advertising, headed by Mrs. W. L. Lawton of Glens Falls, New York, has succeeded in securing promises from seventeen national advertisers to "confine their outdoor advertising, so far as possible, to commercial locations." When pending contracts expire there should be a perceptible decrease in advertising in scenic locations, not because of the seventeen alone, but because other advertisers will question the wisdom of investment in advertising in places which seventeen companies of nation-wide reputation have seen fit to abandon.

Moreover it is fair to ask whether the "bottom has not fallen out of the outdoor advertising business" in scenic locations. The signs along highways are placed there to secure the patronage of motorists. If motorists become annoyed because of the insistence of the advertisers, the value of the location has disappeared, for, surely, no manufacturer would be so foolish as to spend money in order to alienate purchasers from his commodity to that of his competitor. The psychology of attracting buyers is a nice one and, without any suspicion of a concerted boycott, the unpleasant impression caused by repeated signs in places which annoy motorists, cannot have any other result than that of converting, one by one, possible buyers into certain customers for other than billboarded goods.

The committee calls the attention of the public to the fact that the investment of public funds in highways is the basis of value to the billboard advertiser. Billboards on the open prairies, far from traveled roads, would have no value. When the people who have created the road investment see fit to protect that investment in roadside scenery as well as in the means of transportation there can be little doubt that the billboard along highways used for pleasure driving will prove unprofitable and so fall into disuse.

THE ELEMENT OF SAFETY

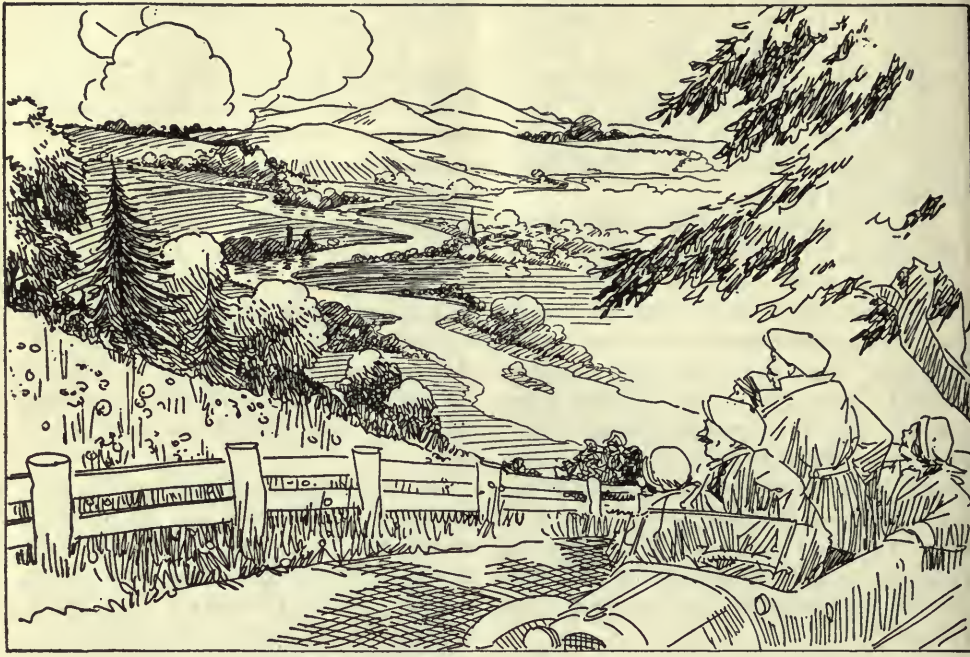
Along national and state highways, particularly, since these are used by many motorists unfamiliar with the locality, the element of safety enters into the billboard situation. A stranger who is diligently looking for direction signs along the roadside, often finds it difficult to separate direction and mile signs from the medley of offerings of unwanted articles which clutter the landscape. Much time, money and effort has been expended by cities, counties, states, national highway associations and automobile clubs to place signs along the roads which will prevent accidents. In Illinois, all cross roads along the national highways are marked "Look! Cross Road (so many feet) ahead," or "Look! Curve R." or "Caution! Cross road," or "Caution! Bad Curve." Most states have adopted some fairly uniform system of marking curves, grades and cross roads. Practically all of the states mark railroad crossings; but when the motorist has seen pictures of policemen holding aloft the word "STOP" only to find that sandwiches or gasoline may be purchased at the next corner; when he has found repeated advertisements quoting the exact words of the official signs, he is apt to slide by the very sign he should obey, perhaps placing in jeopardy all who ride in his car.

No motorist can be paying his full attention to the road and its hazards and to the moving traffic and its dangers if he is trying to read signs along the road and particularly if he is trying to ascertain whether to turn at the next corner or to proceed straight ahead.

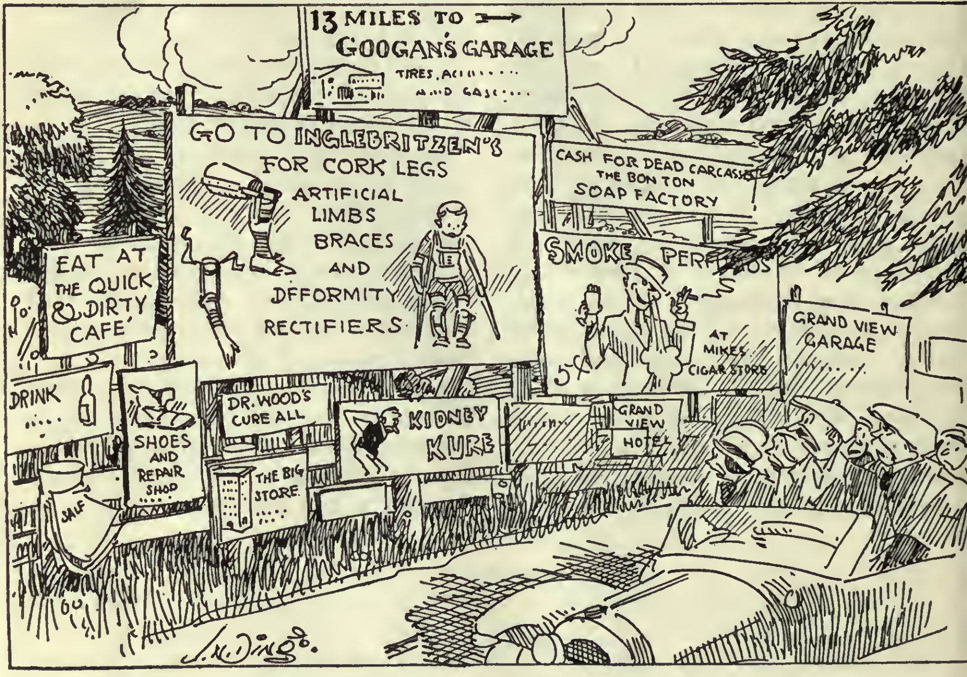
And as for advertising signs at cross roads their menace to safety is so clear that it hardly seems necessary to discuss the need for removing all obstructing and all confusing signs at every cross roads in the entire country.

Quoting from memory I recall the words of a great philosopher who declared that "old errors do not die out because they are refuted; they fade out because they are neglected." When the outdoor advertisers learn that their possible customers neglect them because of the unpleasant psychology created by their obnoxious billboards they will certainly cease to purchase space on roadside billboards and the billboards will fall into disuse through lack of patronage.

THE MAGNIFICENT VIEW YOU DISCOVERED ON YOUR TRIP LAST YEAR—



And this year drove sixty miles out of your way to show to your friends



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TAXATION OF BILLBOARDS

BY MABEL NEWCOMER

Vassar College

Although prohibitive taxes would probably be opposed by the courts, repressive taxation will assist in controlling the billboards. Rates are much higher in Europe than here. :: :: :: :: ::

The rapid growth of billboard advertising in recent years has brought a renewed demand for further regulation. Annual expenditures for such advertising are estimated to have increased from five million dollars in 1913 to sixty million dollars in 1923. This increased expenditure is partly the result of a better—and a more costly—type of advertising, but an increasing number of billboards is also in part responsible. And the need of control increases with the number of boards.

In many European cities outdoor advertising is closely restricted, and such as is permitted is heavily taxed. In this country the cities and states have regulated, but not seriously restricted, such advertising; and special taxes, where they exist, are comparatively small.

TAXES MAY SERVE TO CONTROL WHERE OTHER MEANS FAIL

Where regulation is desired direct prohibition or restriction is the most satisfactory method. All signs on or projecting into the public highway are clearly subject to regulation; and in a number of instances control has been extended to advertisements on private property,—even to the extent of prohibiting them altogether under certain conditions. But in spite of increasingly liberal court interpretation of the police power it has not yet been established beyond dispute that billboards which are merely unsightly, and not otherwise objectionable, are subject to further control. And it is quite possible in some cases that restrictive taxes may serve where other regulation fails.

Outdoor advertising in the United States is subject to the property, income and license taxes paid by all business, and occasionally a special additional tax is imposed. The typical special tax is a license of twenty-five, fifty or one hundred dollars on the company or billposter. This occurs in one or two states and in approximately one hundred and fifty cities. In a few cases this tax is obviously intended to be repressive. But when such a tax rises to four or five hundred dollars it serves to restrict the number of companies rather than the amount of business.

Any charge on outdoor advertising, whether for purposes of public revenue or restriction, should bear some relation to the value of the advertisement; and the value of the advertisement varies directly with the number of people who see it. This depends on the location as well as on the size and nature of the advertisement. The advertising company normally grades its charges according to the size and type of advertisement, and also according to the number of people passing within view of the board. A tax should be similarly graded. Thus the rate should vary with the size of the board and the size of the city (as it does in France), and also with the location within the city. A billboard in the heart of the business district is clearly more valuable than one in a residence district; and a billboard at the head of a street or on a curve where it may be seen for several blocks is more valuable than a neighboring site with a more limited "area of projection."

GRADED TAXES RARE

Less than twenty cities in the United States grade their charges on outdoor advertising to correspond in any way to the amount and value of such advertising. Baltimore has a tax of ten cents per square foot on billboards. This amounts to twenty dollars for the ordinary twenty-four sheet poster, and rises to one hundred dollars on the largest boards. But this is exceptional. San Diego charges fifty cents per running foot in lieu of a general property tax. This amounts to ten dollars on the twenty-four sheet poster. Little Rock charges ten dollars per board regardless of size. Rates in other cities are three and one-half cents per square yard in Oakland, California; one-half on one cent per square foot in Dayton, Ohio; and one-quarter on one cent per square foot in Indianapolis. These are merely inspection fees. The first would yield eight dollars on the ordinary poster. The last would yield less than one dollar on all but the very largest boards. Outside of cities special charges are rarely placed on any billboard.

None of these taxes is heavy enough to restrict advertising or to yield any appreciable revenue; and none takes into account any of the factors influencing value, excepting only the factor of size. The taxation of advertising, either for revenue or for restriction is still an untouched field.

The amount of revenue which may be obtained from such taxes is necessarily limited, but there is every reason for developing them fully. In spite of restrictions outdoor advertising is a growing business and a profitable one. In so far as it is tolerated at all on the public highways the charges made can and should equal the full rental value of the site. If the charges now prevailing among advertising companies are any indication, such rental values frequently exceed one hundred dollars per year. Where the advertisement is on private property but in the public view a tax with a rate varying both with the size of the board and the rental value of the site should be imposed.

TAXES MAY BE REPRESSIVE

It is difficult to estimate what a restrictive rate would be or how much revenue might be obtained from properly graded charges, but it is worth noting that the usual rate in French cities on billboards of the size of those commonly used in this country is the equivalent of seven dollars per square foot, and under certain conditions even thirty dollars per square foot. These rates are undoubtedly repressive but not prohibitive. There is probably no tax in this country which exceeds ten cents per square foot and very few which are equal to one cent per square foot. So far as collections are concerned the total revenue from this source in cities of the United States with a population of 30,000 and over in some years has been less than the amount collected in Berlin alone. And in Berlin this sum represents rentals paid by advertising companies for the use of the city's advertising kiosks. Billboards are prohibited. Apparently appreciable revenues can be obtained even with important restrictions.

Taxation is not a substitute for other means of control. Heavy charges would reduce the number of billboards, but prohibitive charges probably would not be allowed by the courts. In cases where both the police power and the public boycott fail, however, a restrictive state or local tax offers a means of control which can hardly be neglected.

HOME RULE LEGISLATION ADOPTED IN NEW YORK

BY RAYMOND V. INGERSOLL

Secretary, City Club of New York

Unlike Pennsylvania, New York took advantage of her home rule amendment at the first opportunity by passing the enabling act here described. :: :: :: :: :: :: :: :: ::

Nearly fifty years ago a commission appointed by Governor Tilden made a comprehensive and classic report on the government of New York state. This report contained a powerful indictment of the evils of special local legislation at the state capitol. Since that time municipal home rule has been a highly controversial subject in this state.

Some important concessions to the principle of home rule were made from time to time. Municipal elections were placed in odd numbered years so as to separate them from state and national elections. Provisions were made whereby each bill passed by the legislature amending a city charter was sent to the mayor of the city for approval or disapproval, though disapproval could then be overridden by a mere majority vote. Special legislative charters were enacted giving some of the larger cities, and especially to the City of New York, very large powers of local government though these powers were encumbered by a mass of detailed provisions such as have no proper place in a city charter. In recent years an act was passed under which smaller cities might choose any one of a number of specified forms of local government.

HOME RULE ENABLING ACT PASSES UNANIMOUSLY

In spite of these improvements the demand for fuller home rule has grown and in 1923 the legislature passed unanimously for the second time a resolution submitting to the voters the new home rule constitutional amendment. This amendment was overwhelmingly adopted at a referendum held in November, 1923, and it is a surprising fact that the home rule enabling act, framed for carrying it into effect, was this year passed unanimously by both houses of the legislature. To an extent this unanimous vote reflected confidence in the methods used by the commission which had drafted the act. It is only fair to say, however, that a large proportion of the legislators were completely mystified as to the scope and meaning of the constitutional amendment and the effect of the enabling act.

WHAT THE ACT PROVIDES

The constitutional amendment itself is unlike those adopted in many Western states in that it contains no full program for local action. It does direct the legislature to provide general laws under which every city may regulate its own affairs and manage its own business. The extent of the powers to be granted are described in broad general terms and it is provided that the legislature may confer such further powers beyond the language of the commandment as it may deem expedient. The most effective provision in the amendment is a negative one calculated to force the legislature to take action under the positive provisions. This negative clause reads as follows:

> Section 2. The legislature shall not pass any law relating to the property, affairs or government of cities, which shall be special or local either in its terms or in its effect, but shall act in relation to the property, affairs or government of any city only by general laws which shall in terms and in effect apply alike to all cities except on message from the governor declaring that an emergency exists and the concurrent action of two-thirds of the members of each house of the legislature.

The most active home rule advocates saw advantages in this rather conservative method of constitutional amendment because of the great amount of litigation and conflict between local and general legislation which has arisen in states where detailed home rule legislation has been written into state constitutions. Such difficulties would be even more serious in New York State because, for obvious reasons, the web of local and general law has become so much more complex, particularly as affecting the City of New York.

The commission for drafting a home rule enabling act was very late in organizing and it never undertook a careful analytical survey of general laws, city charters and other local laws upon which the preparation of the statute should have been based. The commission proceeded, on the other hand, in a disinterested and nonpartisan spirit and adopted an excellent method of preparing preliminary drafts, holding public hearings and then producing improved drafts. A very large proportion of the final text of the act was taken from the recommendations made from time to time by the City Club of New York and from suggestions made by other civic organizations.

The lack of preliminary survey prevented embodiment in the act of as full and specific expression of local powers as would be desirable. The commission, however, is to be continued for another year and no doubt the act will be considerably liberalized at the next legislative session. Many persons will be surprised when they discover the extent to which local action has thus far been limited. This policy, however, was approved by the best-informed friends of home rule in order to avoid uncertainty and conflict between local and state powers pending a careful working out of the problems involved. The limitations upon local action are largely affected by the somewhat narrow definition hitherto developed by the courts of the state of the constitutional phrase "property, affairs or government of cities" and are expressed mainly in the following paragraph of the act:

> 2. No local law shall supersede any provision of an act of the legislature relating to the property, affairs or government of cities which provision in terms and in effect applies alike to all cities, nor any provision of an act of the legislature which provision relates to matters other than the property, affairs or government of cities, whether in terms and in

effect applying alike to all cities or not, nor any provision of an act of the legislature enacted pursuant to article twelve of the constitution on an emergency message from the governor and by the concurrent action of two-thirds of the members of the legislature.

Only a few brief points in regard to the enabling act can be given here. Local legislative bodies are continued in their present form until changed by local action. In other words, some cities will continue to have a single chamber while others will have both a board of aldermen and a board of estimate and apportionment. As to matters already within local ordinance making powers, existing procedure may be continued. In other words, local ordinances may be passed by the board of aldermen with approval of the mayor without concurrent action by a board of estimate even where one exists. In all cities, however, having an elected board of estimate now dealing with city budgets and like matters the new powers delegated, that is, powers to amend city charters or to modify or supersede other laws which the state has enacted, must be exercised concurrently by the two local bodies. It is clearly contemplated in the act that in the process of local charter revision many of the detailed regulations which now encumber some city charters may be separated into an administrative code or in some like manner turned over into the realm of ordinance-making so that the boards of estimate, whose members have important administrative duties and great financial responsibilities, may not be overwhelmed with a mass of petty legislation.

NO INITIATIVE AND LITTLE REFERENDUM

A marked feature of the home rule bill is that no provision is made for popular initiation of local laws and that the provisions for popular referendum votes are very definitely restricted. This fact reflects an almost universal skepticism in New York State in regard to such free use of the initiative and referendum as has been developed on the Pacific Coast. This skepticism has been heightened by the fact already referred to that existing charters for our larger cities are full of a mass of detail which, at least until the adoption of brief charters, will produce a large volume of petty and technical local legislation little suited for determination by referendum.

The act contemplates that changes in the charter and other local laws will normally be made by action of the local legislative bodies. It is provided, however, that there must be a referendum vote upon any local law which:

1. Abolishes a branch of the local legislative body, or changes the form or composition of such body, or changes the voting power of any member thereof;
2. Changes the veto power of the mayor;
3. Changes the law of succession to the mayoralty;
4. Abolishes an elective office, or changes the method of removing an elective officer, or changes the term of or reduces the salary of an elective officer during his term of office;
5. Abolishes, transfers or curtails any power of an elective city officer, except for the purpose of transferring the powers or duties of one branch of the local legislative body to the other. or to some other local authority;
6. Creates a new elective office;
7. Changes a provision of law relating to public utility franchises;
8. Changes a provision of law relating to the alienation or leasing of city property;
9. Changes a provision of law relating to the membership or terms of office of the civil service commission of the city;
10. Reduces the salary of a city officer or employee which has been fixed by a state statute, and approved by the vote of the qualified electors of such city;
11. Provides a new charter for such city.

In addition it is provided that in

case of a petition signed and acknowledged by fifteen per cent of the qualified electors, which in New York City would mean more than 150,000 voters, any local law will be subject to a referendum which:

1. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action.
2. Changes a provision of law relating to public bidding, purchases or contracts.
3. Changes a provision of law relating to assessments for taxation or special assessments of property for improvements, or the exercise of the power of condemnation.
4. Changes a provision of law relating to the authorization or issuance of city bonds or other obligations.
5. Changes a provision of law relating to the auditing of the city's account.
6. Changes a provision of law relating to the maintenance or administration of a pension fund or retirement system in such city, in connection with the police or fire department of such city.

There are also a few matters catalogued concerning which the local legislative bodies may not under any circumstances amend or supersede any existing state statute. These matters have to do with limitations of bonded indebtedness and of tax levies, laws affecting public education, provisions of the tenement house law, powers of the state comptroller to audit municipal accounts, and one or two other subjects.

THOROUGHGOING CHARTER REVISION

A method for thoroughgoing charter revision based upon the report of a special commission is set forth in the act. This contemplates the passage of an act by the local legislature setting forth the manner in which a charter commission shall be appointed or elected and the submission of this act to the voters for approval or rejection. In case of approval the new charter proposed by the commission must itself go to a referendum vote.

Efforts were made to have inserted a provision under which the machinery for comprehensive charter revision by a commission might be set in motion upon petition by five per cent of the voters, but this was not adopted. Unsuccessful efforts were also made to cut down from fifteen per cent to five per cent the number of voters required on a petition for optional referendum on local laws dealing with the class of cases already referred to.

One wholesome result from the constitutional amendment has already shown itself in a great reduction in the number of local bills presented at Albany at the last session of the legislature. The state has taken a cautious but important step in the direction of more adequate local control of local affairs. The full effects of this new departure will not be known for several years.

THE ASSESSOR'S RECORD CARD

BY LUTHER GULICK

National Institute of Public Administration

What an assessor's record card should show. :: :: :: ::

WHAT information should the assessor's permanent real estate record card contain? It is taken for granted that every up-to-date assessment department will maintain as part of its system a separate record card or sheet for every individual piece of property which will show the essential facts both for the land and for the improvements on the land. The question therefore, is, what information is essential?

HAMILTON COUNTY CARD

A new record card has just been designed for installation in Hamilton county, Ohio, by the county auditor, William F. Hess, and his assistants. This card is reproduced herewith. It is to be used in connection with a complete reappraisal of the city and county which is being undertaken as a means toward a fairer and more adequate appraisal of property for taxation. Ohio is one of the states which has transferred the entire assessment of real estate to the county. It has been placed under the county auditor, who is in reality the head of the finance department of the county.

FEATURES OF OTHER CARDS

Similar real estate record cards or sheets have been used in a large number of cities. The best known examples are Cleveland, Buffalo, Wilmington, New Rochelle, Washington, Houston and Minneapolis. The forms which have been developed in these cities have been copied extensively.

An examination of these various forms shows two general types, one of which is very simple and one of which is quite complicated. The simple form is illustrated by the cards introduced in Newark in the pioneer days. It is a large card 11½ by 9½ inches, and presents a description of the land, giving location and dimensions and a description of the improvements which are to be written in by the assessor. There is provision for a record of unit land values, building unit factors and for the recording of information with regard to sale prices, rentals and mortgages. The other extreme is represented by the form developed by Mr. Sutton in New Rochelle. This is a page of a loose-leaf ledger 23 by 16 inches. This provides for a description of the land, an exhaustive description of the building, land value units, unit factors of building value, a map of the property and drawings of the buildings, extensive information on transactions, leases, mortgages, subsequent alterations, as well as the actual mathematics of the computations leading up to the final appraisal. Provision is also made so that the record sheet may be used for several years, the changing unit values and the resultant increases in the assessment are shown from year to year. All street and other local improvements are listed as well as restrictions contained in the deed or in zoning ordinances. The only features which might be added in New Rochelle are photographs of every building and the architect's blueprints! The record cards developed in Houston, Cleveland and Buffalo and other cities fall in between the two types that have been described; they are, however, usually smaller in size, many of them being 4 by 10 inches.

THE SPECIFICATIONS

The general set up of the permanent record card will of course be controlled by local conditions in the different cities and by the purpose which it is to serve. In some cities all land is listed for taxation solely by block and lot number, while in others a complete legal description by metes and bounds is required. This will change considerably the set up of the card. In a few cities, again the permanent record sheet serves as the field book. It is the assessor's working document, and the tax list or duplicate is made up directly from the record sheet. Again a great divergence seems to come from the fact that in some cities the record card has been devised for use once and for all rather than as a continuing instrument.

On the basis of the experience of the more up-to-date assessment offices the following specifications for the real estate record card may be set up:

1. The card should be *simple* in design and *convenient* in size and arrangement. Many of the cards and sheets now in use are far too complicated. The work of appraising the real estate of a city is a wholesale job in which meticulous detail is neither necessary nor desirable. From the standpoint of arrangement, the upper right hand corner of the card or sheet should carry the information on the basis of which the card or sheet is to be filed. This would be the block and lot number, or tax map number, if the cards are to be arranged in the permanent file in accordance with the location of the property. It would be the name of the owner, if that is to control the arrangement. If the card is to be used as the field book and as the basis of the tax roll all of the material which is to be carried to the roll should be on the face of the card in the upper portion to facilitate copying.

2. There should be a *description of the land* just as it appears on the tax list. The street and number of the property and a cross reference which will identify the property on the tax maps are also essential.

3. The *name of the owner*, which must be kept up to date to be of value. In those states where the tax roll is arranged alphabetically by owners, the prompt indication of all transfers is essential.

4. The *unit land value* together with the percentage variations from the unit on account of long or short lots, corner influence, alleys, irregular contours, etc.

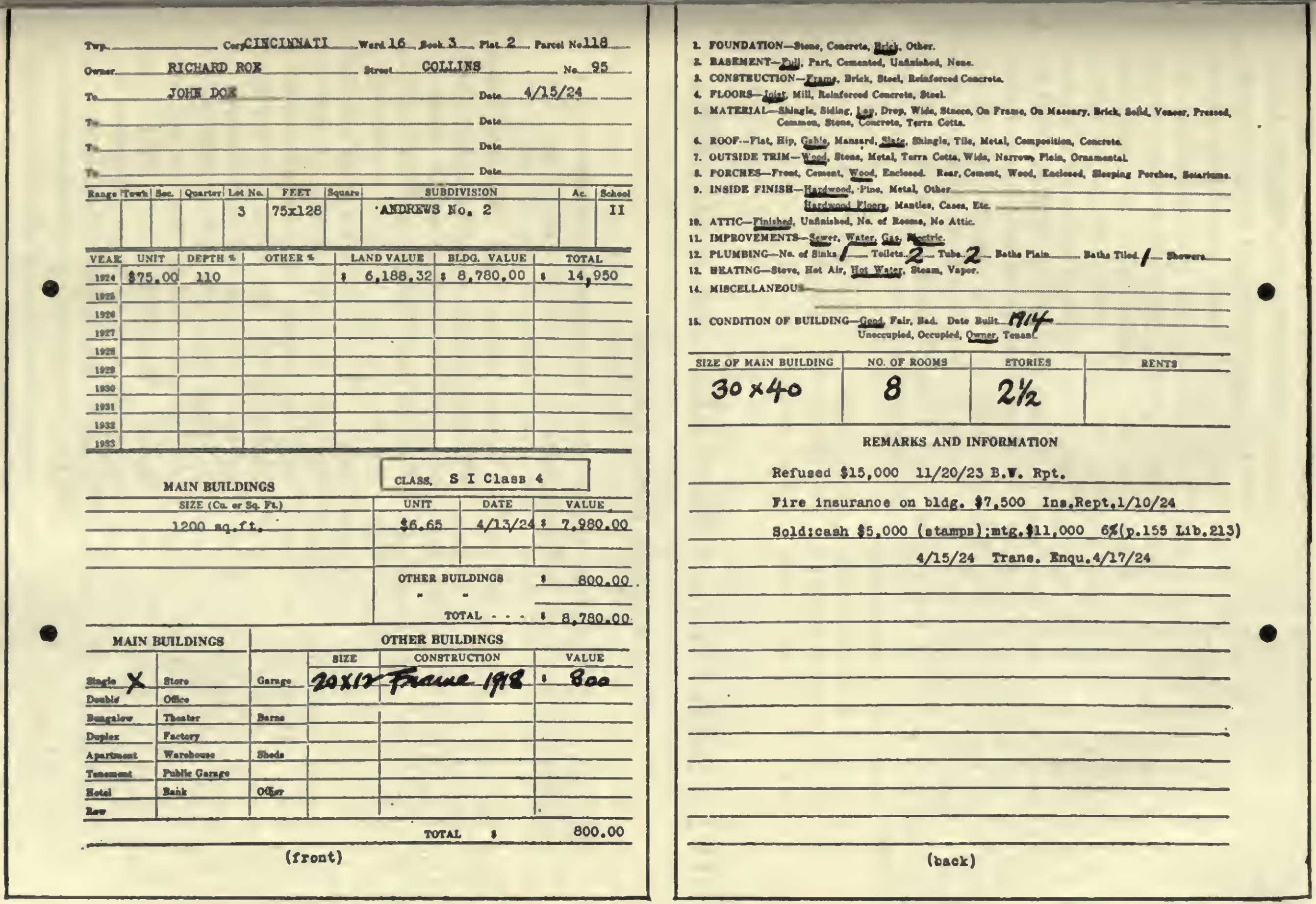
5. The nature of *local land improvements* such as pavements, sidewalks, sewers, water, etc.

6. *Description of the main and other buildings*. This should give only the facts which are essential in determining the general classification and condition of the building. It is at this point that some record forms call for a great deal of useless information.

7. A statement of the *building classification* to which each building is assigned and the *unit value* and factor of *depreciation* which is to be applied to the cubic or square footage, as the case may be, in arriving at the appraisal of the building.

8. In the case of all unusual properties, an indication of the methods of computation of land and building values.

9. *A record of information on values* where all facts with regard to transfers, mortgages, leases, fire insurance, liens, rentals, asking prices, special assess-



Twp. Corp. CINCINNATI Ward 16 Book 3 Plat 2 Parcel No. 118
Owner RICHARD ROE Street COLLINS No. 95
To JOHN DOE Date 4/15/24
To Date
To Date
To Date

Range	Town	Sec.	Quarter	Lot No.	FEET	Square	SUBDIVISION	Ac.	School
				3	75x128		'ANDREWS No. 2		II

YEAR	UNIT	DEPTH %	OTHER %	LAND VALUE	BLDG. VALUE	TOTAL
1924	$75.00	110		$ 6,188.32	$ 8,780.00	$ 14,950
1925						
1926						
1927						
1928						
1929						
1930						
1931						
1932						
1933						

CLASS. S I Class 4

MAIN BUILDINGS

SIZE (Cu. or Sq. Ft.)	UNIT	DATE	VALUE
1200 sq.ft.	$6.65	4/13/24	$ 7,980.00

OTHER BUILDINGS $ 800.00
" "
TOTAL . . . $ 8,780.00

MAIN BUILDINGS		OTHER BUILDINGS	SIZE	CONSTRUCTION	VALUE
Single X	Store	Garage	20x17	Frame 1918	$ 800
Double	Office				
Bungalow	Theater	Barns			
Duplex	Factory				
Apartment	Warehouse	Sheds			
Tenement	Public Garage				
Hotel	Bank	Other			
Row					
				TOTAL	$ 800.00

(front)

1. FOUNDATION—Stone, Concrete, [✓ Brick], Other.
2. BASEMENT—[✓ Full], Part, Cemented, Unfinished, None.
3. CONSTRUCTION—[✓ Frame], Brick, Steel, Reinforced Concrete.
4. FLOORS—[✓ Joist], Mill, Reinforced Concrete, Steel.
5. MATERIAL—Shingle, Siding, [✓ Log], Drop, Wide, Stucco, On Frame, On Masonry, Brick, Solid, Veneer, Pressed, Common, Stone, Concrete, Terra Cotta.
6. ROOF—Flat, Hip, [✓ Gable], Mansard, [✓ Slate], Shingle, Tile, Metal, Composition, Concrete.
7. OUTSIDE TRIM—[✓ Wood], Stone, Metal, Terra Cotta, Wide, Narrow, Plain, Ornamental.
8. PORCHES—Front, Cement, [✓ Wood], Enclosed. Rear, Cement, Wood, Enclosed, Sleeping Porches, Solariums.
9. INSIDE FINISH—[✓ Hardwood], Pine, Metal, Other
[✓ Hardwood Floors], Mantles, Cases, Etc.
10. ATTIC—[✓ Finished], Unfinished, No. of Rooms, No Attic.
11. IMPROVEMENTS—[✓ Sewer], [✓ Water], [✓ Gas], [✓ Electric].
12. PLUMBING—No. of Sinks 1 Toilets 2 Tubs 2 Baths Plain Baths Tiled 1 Showers
13. HEATING—Stove, Hot Air, [✓ Hot Water], Steam, Vapor.
14. MISCELLANEOUS
15. CONDITION OF BUILDING—[✓ Good], Fair, Bad. Date Built 1914
Unoccupied, Occupied, [✓ Owner], Tenant.

SIZE OF MAIN BUILDING	NO. OF ROOMS	STORIES	RENTS
30 x 40	8	2½	

REMARKS AND INFORMATION

Refused $15,000 11/20/23 B.W. Rpt.

Fire insurance on bldg. $7,500 Ins.Rept.1/10/24

Sold:cash $5,000 (stamps);mtg.$11,000 6%(p.155 Lib.213)
4/15/24 Trans. Enqu.4/17/24

(back)

Hamilton County's New Real Estate Record Card

This form is filled out by the real estate appraisers, in part while in the field examining the property and in part in the office. There is a separate card for every parcel. The card is 7½″x10½″.

ments for local improvements, appeals, etc., may be recorded from time to time with dates and an indication of the source of the information.

10. And finally, the permanent real estate card or sheet should be designed so as to be a *continuing record*. Space should be provided for several transfers and for a change in unit land values, unit building factors, depreciation factors, and for the resultant changes in the value of the land, the building and the total. The best records now in use provide for a period of from four to ten years.

ADMINISTRATION ESSENTIAL

In closing it should be said that the best card in the world is worthless without efficient administration and that good management will produce effective results with an inadequate record card. A record card is merely part of the general assessment system. It is of value where by-guess and by-God methods are still in force, but its greatest value is where a systematic effort is being made to appraise land and improvements with the aid of units of value.

CIVIL SERVICE AND CITY MANAGERS

BY WILLIAM DUDLEY FOULKE

Civil service examinations are necessary to keep administrative appointments free from political pressure. :: :: ::

SOME of the city managers are disposed to complain of the civil service law for the reason that it restricts their choice of subordinates and sometimes prevents them, as they think, from getting the best man for a particular place, thereby impairing the efficiency of the service. They are so completely conscious of the rectitude of their own motives in making appointments that anything which hampers them in their selection they consider an obstacle to the system. The very principle of the manager system, they say, is undivided power with complete responsibility and to be required to select subordinates from among the highest of the eligible list is a restriction of power and absolves them from such responsibility.

On the face of it there is apparently a good ground for this argument. The elimination of checks and balances in city government might seem to demand the elimination of civil service restrictions upon the power of appointment. If we could always be sure that the city manager would be selected only on account of his administrative qualifications, and would always keep an eye single to the appointment of the best man, a wider latitude might well be extended in making appointments, though even in this case competitive tests of qualifications and experience would be found most valuable in ascertaining who the best was among those from whom the manager was to make his selection.

Unfortunately our experience with politics forbids the inference that city managers will always be appointed on account of their executive qualifications, or that even when so appointed they will always be influenced by the mere question of fitness and efficiency in appointing their subordinates. Managers have to be selected by somebody; they are usually appointed by the city commission and that commission is elected by the people; it is a representative body like the legislature, and more or less controlled by politics, either national, state or municipal; or if not by politics, often by personal considerations, quite apart from public efficiency. The manager is inevitably bound to consider whether the appointment of "A" in the department of public safety or "B" in the department of public health is likely to be agreeable to Commissioners "X," "Y" and "Z," or whether the appointment of the best man available may not imperil the tenure or destroy the influence of the manager himself. In many cases he is bound to yield to such pressure. Or perhaps he is himself appointed because Commissioners X, Y and Z wanted a man of their own political faith or on account of personal considerations and then his appointments are sure to be political or for the benefit of the ring to which he belongs.

There is only one way of eliminating certainly these cross currents of political and personal influence. That is to make the selection depend entirely upon the proved capacity of the applicant as shown in competition with all others and established by the comparative record of what each knows and has done in regard to the particular job for which he applies. That can only be done by civil service examinations.

The partiality and errors which creep into these comparative tests are infinitely less than the partiality and errors which come from discretionary appointments by the manager. This is the one remnant in which the system of checks and balances is still essential. The trouble with them elsewhere is that the particular officer who has the power of checking and preventing the unlimited discretion of another is himself just as fallible and liable to be controlled by politics and other unworthy motives as the man he is checking. But in the civil service system it is the record made by the applicants themselves in the competition which determines their eligibility. It is of course conceivable that the civil service commission might prescribe unfair questions or tests, but if this be made public it is sure to react upon those who are guilty, and experience shows us that abuses in examinations are extremely rare. If a bad man is at the head of the list and gets the appointment he can be dismissed arbitrarily at any time during his period of probation or even afterwards if facts develop which warrant it, and we cannot doubt that in the long run a better set of officials is bound to be chosen than under any system of arbitrary appointment. As President Coolidge well said: "The best method of selecting public officials is by the merit system." It is significant that the distinguished protagonist of the city manager form of government, Henry M. Waite, who showed in the management of Dayton the best kind of city government attainable, is strongly in favor of the competitive system of appointment. The encroachments of the spoils system which are debasing and corrupting our public service everywhere, must not be permitted to intrude into our commission-manager form of city government.

The National Municipal League is definitely committed to the competitive system. In the Model City Charter, which was adopted by an immense majority on a referendum of the entire League in 1916 and of which the final edition was issued as late as March, 1922, contains in Sections 41–48 inclusive, the fullest provisions for the complete application of the merit system. It would be a serious calamity for the League to eliminate or subtract any essential feature from this provision. No facts exist to-day which would lead us to say to the public that we had been all wrong in one of the most essential features of the commission-manager form of government.

POLITICS IN SOUTHEAST COUNTY, PENNSYLVANIA

BY HARRY A. BARTH

University of Oklahoma

As a matter of fact very few people are misinformed about politics in Southeast county. It is quite generally accepted that the elections are shams and that the elected officials are representatives of a certain all-knowing one. Yet everyone seemingly unites in perpetuating the pleasing convention that in Southeast county the people rule. There is really very little indignation. :: :: :: :: :: ::

The man who has power of life and death in matters political in Southeast county is described by various parties as everything from a corrupt politician to a benevolent despot. The small group of reformers led by the local real estate agent say many unkind things about him. His record in the state legislature where he has been for some years is not clean. They tell tales of laws passed to oppress corporations and especially the railroads and recite how these laws were repealed after just tribute had been garnered. Also, they relate how the contractor who profited so outrageously when the state capitol was constructed had erected an enormous mansion for the local boss shortly after.

THE BOSS

On the other hand the men inside the organization look upon the political leader with a respect almost akin to veneration. While I was talking to one of the commissioners, an expensive car drove up, a chauffeur alighted, the door was opened with *éclat*, and the boss stepped out. The commissioner asked me whether I knew who this was and then told me that it was Mr. —— himself. Then followed a panegyric to which fear and respect both contributed.

Men who are neither inside the organization nor in the ranks of the reformers seem quite content with conditions. The editor of the local newspaper is very well satisfied. Of course, there is an organization in Southeast county. But it is clean. The leader is honest and the administration free from corruption. And the leader does look after the interests of Southeast county remarkably well. No eighteenth century monarch cared for his subjects as Mr. —— cares for his constituents. With benign intent and for the good of all, Mr. —— pulls the wires which make the political machinery go round. This view is generally accepted among the business element.

No opinion is ever expressed in the local paper. This organ is distinctly a business venture. It merely carries notes of events and advertisements and makes no attempt to mold public opinion. It is a lifeless organ devoted to making money. Political propaganda is paid for at advertising rates and the columns are open to all on this basis. The refusal of the press to take a critical attitude may account for the strength of the machine and the lack of opposition.

However conflicting the views of the citizens may be regarding the merits of Mr. ——, all are agreed on this point: Mr. —— dominates politics completely. Elections and office holders are mere instruments in this domination. The county legislative organization, the county commission, is merely a tool. Mr. —— picks each of the members and they take orders from him. When one writes about the county commission one must keep this fact clearly in mind.

MINORITY MEMBERS BUT NOT MINORITY REPRESENTATION

In order to make political domination by one group impossible, the Pennsylvania constitution provides for minority representation on the county commission. This is done by providing that no voter may vote for more than two candidates. As there are three positions on the commission, the majority party can elect only two of the three members. The effect of this provision in theory is to guarantee minority representation on the commission. In practice there is no minority representation, for Mr. —— controls both the Republican and Democratic organizations. Political struggles in Southeast county are interesting sham battles in which one general directs both sides. They are valuable chiefly as they throw a light upon the American political mind.

Ed. Note. This article is based upon first hand study of a prosperous county in Pennsylvania. The name is fictitious but the story is true. The article is the first of a series on county politics.

Mr. ——'s political career has been almost completely free from reversals. He began his political history back in the eighties. It was not till the early nineties that he secured complete control of the county machine. At that time he became chairman of the County Republican committee and though he has since given up that position, his reign has never been disputed for any considerable period of time. At infrequent intervals only has he met intense opposition from malcontents. In 1922 his candidate for governor was defeated by Pinchot. Mr. —— lost little time in regrets. He was on the Pinchot band wagon at once, and was a Pinchot leader in the last session of the legislature. The tide turned against Pinchot very suddenly. Mr. —— saw the trend and was able to shift his stand over night. He knifed Pinchot viciously last April in the election for delegates to the Republican national convention. Thus he covered up the defeat and regained his lost position. The Old Guard in Southeast county may be down but it is never out. At the election for members of the county commission last year the reform element which had carried the county for Pinchot failed to dent the organization slate. Mr. —— again reigns in Southeast county.

THE COUNTY COMMISSION

The methods of control are quite interesting. The county commission forms a very important cog in the mechanism. It is used in two ways. First, it controls a certain amount of patronage, either directly or indirectly. Several administrative officers of the county government are appointed by the commission. These include the county engineer, the county solicitor, and the sealer of weights and measures. There is some additional patronage, but the patronage is not extensive as the county is small and the work to be done is limited. However, the appointees make up part of the rank and file of the organization workers, and play an appreciable part in winning elections.

Second, the commission determines the allotment of the gasoline tax and of road bond issues among the several townships. Here arises the real influence of the commissioners. There is no rigid law determining how the county's share of the gasoline tax is to be distributed, nor how the receipts from bond issues are to be allocated. The result is keen competition among the townships for funds. Bargaining is brisk and the funds go to the townships which deliver the highest number of votes. With the threat of "no votes, no pork" doubtful periods have been successfully passed without major defeats. This method of control was a decisive factor in the primary for county commissioners last year. The men in office manipulated the funds so well that the opposition was defeated by men who sympathized with it. The men actually chosen to office carried over from the previous term.

There are other means of control. Along with the jobholders in the county government are state jobholders who owe their position to Mr. ——. By getting on the Pinchot bandwagon at the proper moment, up to the present time at least, Mr. —— has been able to hold those jobholders on the state payroll. These men together with the county employees, furnish the workers who get out the vote on election day. There is at least one faithful worker in every township and they are held together by a discipline which is military in character.

Influence with the judicial officers also keeps the organization together. A good word spoken in time is reputed to temper justice to offenders whose vote is valuable. Also, the laboring element is kept in line by the factory owners. These are uniformly in alliance with the dominant machine. Southeast county has several large steel mills and the laborers are constantly used to swing elections. The factory owners help in another way. The campaign chest is kept well filled by the contributions of these mill owners. Corporations outside of Southeast county also help financially because of Mr. ——'s influence in the state legislature.

REFORM VOTE DIVIDED

The organization uses all the tricks in the repertoire of politicians to win elections. One worked very extensively is that of splitting the reform vote by having several reform men or men popular in reform communities run on independent tickets. This device was skillfully employed in the last election of county commissioners.

By using all these methods Mr. —— stays in power year after year and election after election. His grip is so strong that when one thinks of county government in Southeast county one thinks of Mr. ——. He is the government. Therefore this long preliminary account of the organization and its control. Without understanding it one cannot understand county government or the county commission.

PERSONNEL OF GOVERNING BOARD

The men now on the county commission include the owner of a pool room and cigar store, a flour salesman, and a retired farmer. The first two are Republicans, the last a Democrat. Of course, as was stated above, these political designations really mean nothing. The owner of the cigar store is related to the proprietor of a large iron company. He was chief clerk of this company before election to the commission. His position on the commission results from ability to swing the votes of the employees of the iron company and upon the contributions of the concern to the campaign funds. The flour salesman is a genial individual, with a wide circle of friends. The retired farmer is recognized as the ablest member of the group. He has been a member of the state legislature, where he made a favorable record. His farm is about a hundred acres in area and is in excellent shape.

With the possible exception of the salesman, the commissioners are respected by the entire community. The leader of the opposition says he does not question the honesty of the members and feels that the farmer and the store owner are quite capable. The editor of the local paper approves of all the commissioners. The trend of opinion among the local business men seems to be with the editor of the paper. No doubt the commissioners are fairly representative of the average intelligence of their constituents.

POWERS, FUNCTIONS, AND PROCEDURE

The salary of the commissioners is twenty-five hundred dollars per year, and for this sum the members are expected to give their full time to their duties. Of course, they don't. The work performed is usually limited to meetings twice a week.

The meetings of the commission are very informal affairs. They are open to the general public. Probably all important points are settled before the meetings open. As a result, the meetings seem rather cut and dried affairs. Besides, as all the members are held together by the party organization, the meetings lack the spontaneity and charm of a meeting of men representing divergent interests.

There are no rules providing for delay in the action upon resolutions until public opinion may be determined. Matters are often decided the same day they are brought to the attention of the commissioners. No proposed resolutions are printed. The only record is the minutes of the meetings, which must be kept by law. Since the commission has only three members, probably a more complicated system is unnecessary.

The procedure for the letting of contracts is quite formal and definite. Advertisements of bids for bridges, for example, are printed in the newspapers of the county for three weeks before the bids are opened. The plans and specifications are on file in the office of the commissioners during this period. The bids are opened before the commission at a regular meeting. A representative of each contractor and a reporter of the local newspaper are invariably present. The contract almost always goes to the lowest bidder. Few complaints have been made concerning the letting of contracts and general opinion holds that favoritism is absent.

WHAT THE MONEY GOES FOR

The county does not spend sufficient money on capital improvements to make dishonesty very lucrative. The county only builds bridges, leaving road building to the townships. The amount spent on bridges is not great.

In 1923 the amount spent on new bridges was only about sixty thousand dollars.

The chief functions of the commissioners are: (1) to make appropriations to carry on the activities which have been delegated to the county by the state legislature, (2) to levy taxes ample to meet the cost of county government, (3) to act as a board of revision for assessments, (4) to approve all bills before payment, (5) to build bridges, (6) to look after all county property, (7) to appoint certain county officers, (8) to supervise elections, and (9) to fix the number and salaries of clerks and deputies in most of the departments.

The state legislature from time to time has passed laws conveying to the commission power to spend money for various purposes. Many of these laws covered particular emergencies and then became obsolete. At the present time the commission in Southeast county spends money for maintaining the offices of the controller, the district attorney, the county detective, the county treasurer, the county superintendent, the recorder of deeds, the jury commission, the county engineer, the coroner, the sheriff, the sealer of weights and measures, and the register of wills, for court expenses, for a juvenile home, for road damages, for general election expenses, for real estate assessors, for charity, for the support of convicts, for the burial of deceased soldiers and widows, for tombstones for deceased soldiers, for the County Extension Agricultural Association, for the Historical Society of Southeast county, for water, light, heat, sewer rent, for repairs to county property, for new bridges, for the mothers' assistance fund, for recreation, and for the National Guard unit.

The commissioners have power to fix the tax rate. For this purpose an informal budget is made at the beginning of each year and the rate is adjusted to meet the expenditures. The budget seldom varies greatly from year to year. The general property tax rate is held with one dollar per hundred dollars and the occupation tax within ten dollars per man by law. The assessment is made by assessors elected in each township or borough. The commission may sit as a board of revision with power to readjust assessments. In Southeast county little use is made of this power.

One of the routine problems is that of approving all claims. A majority of the commission must approve warrants before payments may be made by the county treasurer. A primary function is that of caring for bridges and building new ones. The county, as a county, does not raise sufficient money for road purposes, but bridge building is carried on as a county project. The appointment of the county engineer, county solicitor, and county sealer of weights and measures constitutes another important duty. There are a few other offices over which the committee has power of appointment. The duty of supervising elections is limited to preparing ballots, securing ballot boxes, voting booths, etc.

By act of the legislature of 1923, the commissioners and the county controller were made members of what is termed a salary board. By the same act, payment of the majority of the county officials by salary was substituted for payment by fees. The salaries of the department heads was fixed by the act, but those of the subordinate officers were not. The salary board, sitting with the department head whose department is under survey, determines the salary of each of the clerks and deputies in the department and also prescribes the number.

Thus the commissioners share with the controller a very real authority over the county government. Appeal may be made to the court of common pleas by any official who feels that the number of clerks or the salaries fixed is either too large or too small.

The commissioners along with the sheriff form the prison board. With the controller and the treasurer they constitute the sinking fund commission. These organizations have little to do in Southeast county.

The commission is empowered to contract a county debt for various public improvements, subject to the constitutional limitations on the debt. This is two per cent without the consent of the electors; seven per cent if approved at a general election by a simple majority; and ten per cent if approved by a three-fifths vote. The purposes for which bonds may be issued are quite numerous and cover virtually all county activities.

COURTS SHARE IN ADMINISTRATION

The use of the courts as a check upon the administration is widespread in Pennsylvania county government. As related above, appeal may be taken from the decisions of the salary board to the courts. In addition no project to build a road, bridge, courthouse, jail, poorhouse, sewage system, or school for defectives may be carried out unless the court of quarter sessions and either one or two successive grand juries—depending on the project—approve. This throws a very direct administrative burden on the courts. The procedure, however, guarantees considerable publicity to all proposed projects.

NO STATE CONTROL

The county government is completely free from active state control. Definite legal limitations on the action of the county of course exist. It is literally a creature of the state, dependant upon the state legislature for permission to carry on activities. But there is no real control over the operation of the government within the sphere of these activities. The accounts may be irregular, the service performed by the employees may be very poor, the county property may be improperly maintained, but there is no state authority to step in and remedy the condition.

EFFICIENCY

As a matter of fact, none seems necessary. Assuredly there is no demand for it. There is no resentment against the Republican organization for the manner in which public business is carried on. Even the most outspoken opponents of the present boss and his government seem to think that the public money is honestly and wisely spent. Apparently, though there is a machine, the machine is comparatively clean. Charges of dishonesty at elections are rare. No doubt money is spent in the industrial districts at election time, but there is little open tampering with ballots. Charges of fraud in connection with contracts are seldom made. The county property is in good condition, and the workers in the offices seem more diligent than the average public officials. The accounting methods and the printed reports of the controller are good.

DO STRONG BOSSES AND HONEST GOVERNMENT MIX?

These observations bring up an interesting question: is it really possible to have a strong organization and a boss-ridden community and yet have honest government? To students of politics such conditions seem quite incongruous. Yet from a rather careful investigation of actual conditions and of disinterested opinion this seems to be the state of affairs in Southeast county.

Explanation of the anomaly is a matter for speculation. One reason exists in the carefully prescribed rules for awarding contracts. Another lies in the comparative insignificance of expenditures, which amount to only about half a million a year for all purposes. This amount does not permit a great deal of dishonesty. Probably the chief reason is that the organization has other means of support. The boss is a large contractor with the railroads of the state forming his chief clients. Power in the legislature permitting the exaction of business from large corporations is the real source of income. The organization can therefore afford to give honest government.

A view which one constantly comes across in studying county government in Pennsylvania—not only in Southeast county—is that politics is a source of recreation for many wealthy landowners. These live for the most part on the income from coal mines. They have little to do, as the mines are usually leased. Politics as a game has a real fascination and the theory holds that these men use it as a plaything. They form a class comparable to the Roman aristocracy which manipulated Roman elections so adeptly. With plenty of wealth, they dabble in politics as other rich men dabble in *objets d'art* or race horses. Of course this view runs contrary to all teachings of the economic man and also to hard-headed American business doctrine. Whether it is true for Southeast county is very doubtful. However, the view has wide acceptance even here. Certainly this is true,—regardless of motives, politics in Southeast county is absolutely controlled by a single wealthy individual. His contracting concern has a rating in Dun's of around half a million.

A never-failing source of wonder is that the people in boss-ridden communities take an interest in politics. Yet this interest is widespread and in Southeast county it is especially evident. Most of the eligible voters go to the polls on election day and chose between candidates for the various offices. There is much oratory before the balloting, and much electioneering, and each man duly exercises his sacred franchise and delivers into the melting pot of public opinion the dictate of his conscience. This though almost every one realizes that the affair is a sham. Nor are the people ignorant foreigners. Only ten per cent of the population is foreign born. Sixty per cent is rural, and of these almost all are of American ancestry for generations back. Apparently they are in league to keep up the form of popular government at least. Thus is the democratic tradition perpetuated.

GENERAL BUTLER CLEANS UP

BY AUSTIN F. MACDONALD
University of Pennsylvania

A report on the first six months' service of the new director of public safety of Philadelphia. :: :: :: :: :: :: :: ::

When W. Freeland Kendrick was elected mayor of Philadelphia last fall, he promised to devote his time and energy to "cleaning up" the city. The wiseacres smiled and shook their heads knowingly. These same pledges, they declared, were made at the beginning of every new administration. They had been made in 1919 by a newly-elected independent, whose sincerity of purpose could not be doubted. Yet at the end of his four-year régime Philadelphia was notorious for its violations of the liquor laws and for the daring operations of its bandits. So it may not be surprising that when in 1923 the pledges of law enforcement were made by a member of the dominant political machine, a man who owed his election to the support of the "organization," they were regarded by many as meaningless.

CAMPAIGN PROMISES CARRIED OUT

But no sooner was Mr. Kendrick elected than he took steps to carry out his campaign promises of law enforcement. It was necessary, he felt, to put Philadelphia's police force on a semi-military basis, and so, instead of appointing some Philadelphia politician to the post of director of public safety, he cast about for someone with military experience and a distinguished record of service. The man he finally hit upon was Brigadier-General Smedley D. Butler, otherwise known as "Gimlet Eye" Butler and the "Fighting Quaker." There was some doubt as to whether Butler could be persuaded to give up active service in the Marine Corps, of which organization he would before many years become the head; there was no doubt as to his fitness for the task of combating crime in Philadelphia. His record spoke for itself.

After running away from home to fight in the Spanish-American War, he was made a second lieutenant in the Marine Corps at the age of sixteen. Twice wounded while marching to the relief of the foreign legations in Peking during the Boxer Rebellion of 1900, he was offered the Victoria Cross by the British Government for rescuing an enlisted man under a rain of fire. His own government refused to permit him to accept this distinction, but twice on later occasions conferred upon him the Congressional Medal of Honor. Medals meant so little to Butler, however, that it took an edict from the secretary of war to make him wear them. What he wanted was more fighting, and he got it in Nicaragua, Mexico and Haiti. He was in charge of the American forces in Haiti when the United States entered the World War, but was relieved at his own request, so that he might go overseas at the head of the Thirteenth Regiment of Marines.

This was the man to whom Mayor-elect Kendrick offered the directorship of public safety,—a brigadier-general and veteran of fourteen campaigns at the age of forty-two, twice honored for distinguished service, and cited by Theodore Roosevelt as the ideal American soldier. General Butler expressed his willingness to come to Philadelphia for a year if he could secure a leave of absence from the Marine Corps. But the path was still beset with difficulties. The machine politicians of the Quaker City raised their voices in protest. This man Butler might not understand how things were done; he might think that everybody was expected to obey all the laws! To their chorus of objections was added the strenuous protest of the retiring mayor, who seemed to feel that any effort to better conditions was a reflection upon the efficiency of his own administration. But Mayor-elect Kendrick stood firm, and President Coolidge was induced to grant General Butler a year's leave of absence, despite the opposition of the secretary of the navy.

The general is a man of somewhat less than medium height, with a slight stoop. His is the face of a fighter,—keen, piercing eyes, a long, pointed nose, and a skin hardened by exposure to weather in a dozen different climates. He shifts his lithe body constantly as he talks, and when he tells of his plans for giving Philadelphia the finest police force in the world, "whose speciality will be killing bandits," his eyes light with a boyish eagerness that belies his graying hair.

PROMISE OF NO INTERFERENCE EXACTED

Before accepting the post of director of public safety, Butler demanded assurances that he would be permitted to enforce the law without interference. He must have full power, he explained, not only to pick his own immediate associates, but to discipline or dismiss every man on the police force. Not that he wished to develop an entirely new personnel. On the contrary, he intended to work with the men he already had. In his first talk to the police he told them that old sins would be forgiven, but that they could no longer expect immunity if they failed to lay down the law to the vicious and criminal elements of the city. "I know the police force is tainted," he said just before he took office, "but I know that somewhere in this country I can get hold of forty-two hundred honest men. You don't have to be a Philadelphian to be a policeman." Mr. Kendrick acceded to these demands, and appointed a civil service commission that would give Butler a free hand in his own department. The city council increased the salary of the director of public safety from ten thousand to fifteen thousand dollars a year, and offered him in addition a five thousand dollar automobile, which Butler refused. Cheap, open cars for chasing bandits were more necessary, he explained, than an expensive limousine.

Butler threw himself into his new work with customary vigor. War was to be declared on vice the very day he took office. The police were to be given forty-eight hours to "clean up" the city. During those forty-eight hours there was to be no rest for the wicked nor for the virtuous. The lid was to be clamped down on Philadelphia's thirteen hundred saloons, and kept down. Proprietors of gambling dives and disorderly houses were to be made to obey the law. Every man on the police force was assigned a specific task in the municipal housecleaning. The stage was set. On January 7 the curtain rose when Smedley Butler took his oath of office, and the action started without an instant's delay. He made good his promise that he would be no "swivel-chair executive" by touring the city far into the night inspecting the work of his subordinates, and then making his bed in his office at City Hall. He was up again before dawn, traveling from station house to station house to see that his orders were being carried out. The first forty-eight hour drive ended with seventy-five per cent of Philadelphia's saloons closed, all known disorderly houses and gambling establishments driven out of business, the bootleggers seeking cover, the police force exhausted, and Butler, still fresh and vigorous, urging the men on to new efforts.

"RAID AND KEEP RAIDING"

"Raid and keep on raiding," he ordered. The proprietor of one saloon announced that he would keep open if raided twice a day. The police took the hint, and invaded the place five times in thirty-six hours. The lieutenants, one of whom is in charge of each of Philadelphia's forty-two police districts, were made responsible for conditions in their districts. Those who failed to come up to the standard set for them were quickly relieved of their commands; at the end of the first drive Butler suspended six lieutenants and four sergeants. Suspending these men was an easier matter than selecting their successors, but the general depended on his ability to read character at sight. "Here, you," he would say to a sergeant, "I like your looks. What's your name? Well, you're lieutenant in charge of this district. Get busy." The new men were given forty-eight hours to do the work their predecessors had failed to accomplish, and if at the end of the period they could show no better results they were relieved of their commands.

Under the old régime six captains of police supervised the work of the Philadelphia force, each in charge of a division or group of districts. These men were supposed to report to the director of public safety all unsatisfactory conditions found within their jurisdiction, but as unfavorable reports reflected upon themselves, they seldom found anything to complain of. General Butler abolished all six captaincies, and introduced in their stead a similar number of inspectorships, appointing three of the former captains to the new posts. As inspectors they were placed in charge of no given set of districts, but instead were directed to unearth unsatisfactory conditions wherever they existed. General Butler made another change in the system as he found it by issuing instructions that no member of the police force be transferred except by his personal order. This action was necessary to break the grip of politics on the police. Under previous administrations no patrolman would dare take any action against speakeasies or disorderly houses whose owners were friendly with the ward leaders. If he did, he was "sent to Siberia," in the vernacular of the force. In other words, he was transferred to a district so far away from his home that his eight hours of duty were stretched to ten or more.

Though the general objects to having his men shifted from district to district at the request of ward politicians, he has no scruples about shifting them himself in the interest of greater efficiency. He moves his lieutenants constantly from one district to another, putting those he has learned to trust where conditions are worst. The system of constant shifting has been applied to the patrolmen as well as the officers. In the midst of one drive Butler ordered the immediate transfer of three hundred. "After months on a beat," he said, "a policeman becomes known to everyone. People not only know him, but they can recognize his footsteps in the dark. The only solution is to keep shifting the men around."

Even the traffic policemen are sent to new districts from time to time in order to break up friendships with citizens which might result in indifferent enforcement of traffic regulations.

THE FORTY-EIGHT-HOUR-DRIVES

The forty-eight-hour-drives have become a regular weekly feature. During the second of this series of concentrated attacks on vice, more than four hundred arrests were made in a single night, and large quantities of liquor seized. The general was out until three in the morning checking results. Between the drives the men on the force usually relax their vigilance, but Butler never does. He stays on the job night and day with tireless energy. A visit may be expected from him at any station house in the city at almost any hour; he is as likely to appear at three in the morning as three in the afternoon. His two chauffeurs are exhausted from lack of sleep, but rest seems to be a superfluous thing in the life of Smedley Butler. At the end of his first five weeks he had lost twelve pounds, but he was still on the job.

The increasing activity of bandits in Philadelphia was one of the first matters to attract the attention of the new director. His policy is readily summed up in a few crisp words. "Bandits?" he said. "Shoot a few of them and make arrests afterward. The only way to reform a crook is to kill him." A special bandit squad of five hundred men was speedily organized, all ex-soldiers and all crack shots, armed with sawed-off shotguns. Special bandit-chasing motor cars were purchased, among them six armored cars. Philadelphia has twenty-one exits, and at each exit has been placed an automobile, specially armed detectives, and motorcycle policemen. Whenever a crime is reported, the news is at once relayed to the guards at the city limits, and these men begin moving towards the centre of the city, combing every street in search of their prey. Instead of starting from City Hall on the heels of a criminal, they move inward and meet him head on. In time information booths will be erected at the outskirts of the city, and permanent guards will be placed in charge, with orders to investigate every suspicious looking automobile that enters or leaves Philadelphia.

General Butler has taken several drastic steps in his fight to rid the city of crime. Following a particularly violent outbreak of criminal activity early in March he ordered every policeman in the city on duty for six hours, and after that for some time he kept a full company of three platoons constantly on active service in each of the worst districts. The policemen work regularly in three shifts of eight hours each, but when robberies occur with more than usual frequency in a neighborhood the three platoon system is temporarily abandoned, and the men in the district are assigned to duty in two shifts of twelve hours each. Lieutenants are held strictly responsible for results, and receive summary treatment if they fail to make good. Twelve of Philadelphia's forty-eight lieutenants have been demoted during the first few months of the new administration.

PRESSURE FROM WARD LEADERS

Several of the demoted men were personal appointees of ward leaders of the city, and a vast amount of pressure was brought to bear upon Mayor Kendrick to have them reinstated, but without avail. General Butler decided that an effective way of breaking the strangle hold of politics on the Philadelphia police force would be to redistrict the city. At the present time there are forty-two police districts in Philadelphia, each with its own station house and its own lieutenant in charge. The number forty-two was selected because there were just forty-two wards in the city, and therefore forty-two ward leaders each demanding the right to select a lieutenant in charge of his district. Since the selection of lieutenants is no longer to be made by the ward leaders—at least, during Butler's régime—he has decided that the number of police districts can well be reduced to twenty-two, two lieutenants being assigned to each district. Such an arrangement would leave a responsible head always in charge at each station house, and would effect a considerable reduction in overhead expenses. A plan for redistricting the city, in which ward lines are disregarded, is now being carried out.

TRAINING SCHOOL ABOLISHED

Less than three weeks after he became director of public safety, General Butler abolished Philadelphia's training school for policemen, a school whose methods had been widely copied throughout the country. "From now on," he said, "every cop will learn his job right on the beat. . . . For the first two weeks the rooky cop will accompany an old patrolman, and then with further instructions from his lieutenant will go out by himself." Such matters as elementary law, the rules of evidence, legal procedure, methods of identification, the making of reports, and first aid must now be imbibed by the raw recruit from the atmosphere, or from the inspiring presence of his more experienced companion during the fortnight of his novitiate.

Police salaries in Philadelphia are considerably lower than in New York or Chicago, and Butler has constantly urged that they be raised aproximately to the Chicago level, an increase for patrolmen of about three hundred dollars a year. He has also recommended the payment of bonuses, not to exceed ten or fifteen dollars a month to any one man, for particularly meritorious work. His plans include the revision of the pension system, so as to assure to each patrolman an adequate income when he retires. At present pensions are so inadequate that it seems inhumane to compel the men to retire, and so they are kept on the force and given light duties long after they have become unfitted for active service. A generous pension system, instead of resulting in additional expense, would probably reduce the cost of policing the city. The council has not yet acted on the question of salary and pension increases, but there seems to be little doubt that it will before long do as the general suggests.

WILL STAY FOUR YEARS IF NEEDED

Many of Philadelphia's professional politicians who had been fighting Butler tooth and nail were encouraged in their opposition by the fact that the general's leave of absence from the Marine Corps was for but a single year. At the end of the year, they reasoned, would come a reaction, and the mayor's second choice for director of public safety would probably be more pliant than the first. But their hopes were shattered at the close of the first month of the new régime when Butler declared that he was prepared to stay on the job four years. He would even resign from the Marine Corps, if necessary, but he would not abandon his subordinates to a political flareback.

The general's position has been greatly strengthened by the stanch support of the mayor and, almost without exception, the better elements in the community. He made some enemies among the well-to-do when he assigned detectives as uninvited guests at important social functions to make certain that the prohibition laws were not being violated. But so-called "respectable society" is almost a unit behind him. He is a frequent and welcome speaker at all kinds of community meetings. The mention of his name at any civic gathering is usually the signal for vociferous applause. Early in March five hundred clergymen marched to City Hall to pledge him their support. At present Smedley Butler is a popular idol.

An examination of what has been accomplished in a few short months leads one irresistibly to the conclusion that the general's popularity is not entirely undeserved. In January, 1924, 262 robberies were committed. By April the number had dropped to 183, a decrease of 30 per cent. During the same period the value of property stolen fell more than 40 per cent. Several of the largest insurance companies of the country, which prior to the first of the year had refused to write a dollar's worth of insurance on Philadelphia automobiles, in May announced their intention of again going after business in the Quaker City, and took steps to open new offices. For the first time in years, according to a statement issued by the protective service of the American Bankers' Association, the first of May found Philadelphia without a single bank offender awaiting trial.

PROHIBITION ENFORCEMENT

The record of prohibition enforcement is not so satisfactory. The hotel men were asked to put their houses in order, with the assurance that raids would follow if they failed to do so. Thousands of raids have been made, more than 700 speakeasies being closed in four months. Detectives of the Philadelphia force have secured employment in hotels and restaurants as waiters and bellboys to secure evidence of violations of the prohibition laws. But liquor is still plentiful, and can be procured without difficulty. Drug stores, grocery stores, and erstwhile saloons are all centres of the illicit traffic. A satisfactory solution of the liquor problem has not been found.

NEW TRAFFIC CONTROL DEVICES

General Butler has not spent his entire time, however, combating bandits and booze. When he came to Philadelphia he found himself confronted with a traffic problem of considerable magnitude. With two exceptions, the streets in the central section of the city are narrow and poorly adapted to modern traffic requirements. The two exceptions, Broad and Market Streets, are therefore used by most motorists entering and leaving the central district, and it is on them that traffic congestion is most acute. At the intersection of these two thoroughfares stands the City Hall, a large building with a 548-foot tower. The general evolved the idea of controlling traffic the entire length of North Broad Street, a distance of six miles, by means of a master light of 300 million candlepower installed in the tower of City Hall. This light is now in operation, though it is still in the experimental stage. All traffic on Broad Street comes to a halt for one minute, while the light shines, and then continues on its way without fear of interruption for two minutes, while the light is extinguished. The present light is soon to be replaced by one of a billion candlepower, which is expected to penetrate even the densest fog; while less powerful lights are to be installed to regulate traffic on South Broad and Market Streets. Two traffic lanes have been established on Broad Street, one for slow moving and one for fast moving vehicles. The speed limit has been raised to thirty miles an hour, the maximum allowed by state law. There are other changes to come, but a traffic survey now being made has not yet been completed.

A man of action is commonly supposed to be a man of few words, but General Butler has done much to dispel this popular notion. From the day that he accepted the directorship of public safety he talked a great deal,—too much, in fact, as he himself afterwards realized. He discussed his plans in great detail with the reporters. He adopted methods calculated to bring him the greatest possible amount of publicity. His forty-eight hour drives, his promise to promote the first patrolman who killed a bandit, his order to "Shoot first and make arrests afterward"—an order which no policeman could possibly take seriously—were all needlessly spectacular elements of a serious attempt to stamp out crime. After the novelty of directing a great city's police force had somewhat worn off, the general realized his mistake. He cautioned his men against the use of "circus methods," as he characterized them, admitting that in this respect he had been one of the worst offenders. Philadelphia's police, with Butler at their head, are still on the job. Criminal activity is being steadily restricted. But the blare of trumpets seems to have subsided.

RECENT BOOKS REVIEWED

The New American Government and Its Work. By James T. Young. Second Revised Edition. New York: The Macmillan Co., 1923.

This is more than an ordinary revision. Professor Young has in large part rewritten his admirable textbook and has distinctly improved its character. In addition to a large amount of new material intended to bring the material up to date new chapters have been included on Local Government, International Government and Unsolved Problems. When this book first appeared in 1915 it was unique among texts in American Government. It gave much attention to the actual operation of government and also digested in some detail the judicial decisions which limit and modify governmental activities and institutions so materially. It had, moreover, a refreshingly liberal view of social and economic problems. The chapter on the police power was especially so.

The new edition has retained all of the virtues of the original. It has eliminated a large number of the less important judicial decisions which made the earlier edition somewhat difficult for undergraduates and has with good discretion omitted a mass of detail. City and other units of local government are included but inadequately treated while one might easily indicate a large number of judicial decisions still included which are of doubtful value in an undergraduate text. Professor Young's belief in government ownership has quite perceptibly been lessened by the experiences in that field during the war, but in other respects his "progressivism" has well survived. The admirable lists of questions included at the end of each chapter have been retained and improved.

Raymond Moley.[1]

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Principles of Real Estate Appraising. By John A. Zangerle. Cleveland: Stanley McMichael Publishing Organization, 1924.

This is the most valuable book on the subject I have ever seen. It is valuable to every appraiser of real estate and invaluable to every assessor. It should be in the library of every assessing department in the United States. The chambers of commerce and boards of trade of the United States should every one of them have a copy and see to it that every assessor has a copy.

The author says: "The taxation of real estate is by all odds the most important feature of America's tax system, and yet the assessing of real estate has been given less consideration, is more bungled and perfunctorily administered than any other function of state. . . . The taxpayer is usually little concerned with the equities of the tax burden or the administration thereof. He is primarily concerned with his own particular tax bill and not at all with the other fellow's assessment. . . . To secure results, there should be substituted system instead of caprice, standards in place of guesses."

This book contains forty chapters and, in addition, seventy-two pages devoted to the appraisal of as many different buildings with a picture of each and an analysis of the appraisal. In addition there are tables for determining the value of short and extra deep lots with a comparison of thirteen different tables. There are suggested forms for the use of assessors and an admirable explanation of the mode of determining the value of corner lots.

Certain primary principles determining the capital value of real estate, but very little understood, are discussed in the most lucid manner: first, that the interest rate as it falls increases capital value and as it rises decreases capital value; and second, that, other things being equal, as the tax on the value of land rises the capital value of the land falls, and conversely if the tax falls, capital value rises. It is pointed out, for example, that if interest rate is 5 per cent and tax rate on full value 2½ per cent, the tax will take one third of the net rent and the capital value will be two thirds of what it would be if there were no tax. If the tax rate were 5 per cent the capital value would be one half of what it would be if there were no tax. It is thus demonstrated that the selling value of land is an untaxed value.

Again and again it is suggested that it would be preferable to tax the actual rent of land than the capital value. The author meets this contention and demolishes it. He presents an interesting table analyzing the London assessments for rates in 1901. The English system of rates uses as the base the hypothetical rent a tenant might pay for the property in its existing state. If the rates were based, as they are not, upon potential rent it would appear that the capital value of land and buildings in London was only $1,000,000,000 in 1901 as compared with $3,000,000,000 in the city of New York in that year, although the population of London at the time was nearly one-third greater than the population of the city of New York.

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[1] Columbia University.

There is the most simple, lucid discussion of the increment due to corner position of business property. In this the author compares his own method with that of the late W. A. Somers and the Baltimore rule of Lindsay and Bernard. The reviewer would take just one exception here. Mr. Zangerle says that a corner 100 feet by 100 feet is worth just as much whether owned in one parcel or cut into any number of parcels of any variety of shapes. As an economic proposition it is arguable that it might be well to assess these two pieces of land the same sum, but it cannot be done in the city of New York nor in any city in the state of New York. A corner plot, 100 feet by 100 feet, is often worth 25 per cent more than that same plot if so improved or so owned that it cannot be assembled in one parcel.

Mr. Zangerle suggests that the owner should be obliged to certify to the value of his own real property. This is the rule in some states, but it does not work. The owner usually does not know and, if he does, won't tell. All considerations in deeds should be the true consideration. By appropriate means this can be enforced.

Lawson Purdy.

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1923 Annual Report of the Department of City Transit of the City of Philadelphia. William S. Twining, Director.

This is a unique and interesting document, particularly the text of the director's report proper. It is the swan song of a public official of many years' service, who has become thoroughly dispirited with the lack of progress and policy in the field of transit development and control in Philadelphia. Words are little spared in the expression of his opinions, and though one may conclude that the latter are somewhat disjointed, they are at the same time arresting. He flays public regulation of utilities, both in principle and practice; makes the inference that the initial principle was primarily to browbeat the utility companies, but remarks that now the state commissions are more often the companies' protectors, as illustrated by the "valuation" recently placed upon the Philadelphia Rapid Transit properties. He points out that the idea of government regulation leads to full acceptance of responsibility, *i.e.*, to government ownership, and there makes the orthodox assumption that the latter is foredoomed to failure. The prevailing British practice and the slowly enlarging fund of successful American experience have left him not merely unconvinced but hostile. Instead of "gas and water socialism" he proposes as his alternative for the regulated private utility an emasculated form of consumers' co-operation, which would hardly be recognizable to more seasoned proponents of the latter idea. The suggestion of the application of the co-operative principle to public utilities is of much interest, even though its submergence heretofore has probably been due to a realization of the obvious difficulties with enterprises of relatively huge fixed capital; but when the suggestion only goes to the idea of "customer ownership" now being urged by many utility companies, it leaves the reader cold. Mr. Twining reveals nothing beyond this other than a vague recommendation that "a substantial majority" of the citizens of Philadelphia may become stockholders in the company. When one wonders how this is to occur, how the vast capital can be sufficiently transferred; how the rank and file of citizens can acquire such investments, and exercise real control even after the acquisition; how there may be remedied the pyramid of capitalization, and correlative "values," established by fiat and sustained by fares; when details are looked for, they do not appear; and there remains the suspicion that "customer ownership" essentially is, and would continue to be, a device to create a moderately widespread financial interest in the corporation on the part of consumers, never to approach real control unless the hope of profits wholly dies, but to provide a useful army of company boosters when public action affecting finances might threaten.

The idea of consumers' co-operation for utilities, as an alternative both to absentee ownership and control, and to government ownership and operation, deserves attention and a bona fide experiment would be of much social value. Even a more limited co-operation between the consumers might conceivably be of use in some instances as a step in obtaining a form of ownership and control more responsible to the whole mass of those using the service. The idea in general would seem to have its best opportunity with services like gas and electricity, where a fairly stable group of individually identifiable consumers exists. Even here the difficulties of obtaining real control, and a proper balance between the consumer interest and the stockholder interest in a group where the individuals would have different proportions of each, appear enormous if not insuperable; and in a transit enterprise, having no such group of permanent, identifiable members, the difficulties are multiplied. Mr. Twining assumes, moreover, that his proposal will eliminate the long-existing antagonism "between the producer of service and its consumer." By producer he means the transit company; but the other and more immediate producers, the employees, receive almost no mention, and it does not appear how their vital interest is to be recognized and any conflict with the consumers' and owners' interests resolved.

Interesting as are the ideas suggested by Mr. Twining, it remains difficult to see how an adequate degree of ownership, and a just distribution of control can ordinarily be accomplished except by the community as a whole, as represented by its government. A permanently functioning organization of consumers would seem to be a very desirable factor in such a case, and a sharing of control between such a group, the organization of employees, and the local government, might turn out to be the solution.

The report emphasizes the fact that transit is inseparable from regulation of building heights and from other aspects of zoning and city planning; and, it might be added, ultimately from some intelligent and effective social direction of urban industry, trade and housing, as to kind and extent as well as location. Mr. Twining denies that the inadequacy of transit is the cause of the congestion of city streets, and asserts that the latter is caused by the intensive and unregulated development of real estate by its owners.

The mode of paying for transit construction by special assessment upon benefited property is recommended.

In concluding, Mr. Twining strongly stresses his opinion that a crisis is impending in the transit situation in Philadelphia, that no continuing policy and comprehensive plan have been adopted, and that without them real progress is impossible.

H. M. Olmsted.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Control over Sub-Surface Construction, Hartford, Conn.—Exercising control over all sub-surface constructions located within street limits is a function of the department of engineering in the city of Hartford, Conn. The procedure followed in this matter is substantially as follows:

> Permits for all street excavations are granted by the board of street commissioners and the recipients of these permits agree to a number of conditions, one of which is to obtain locations for all new installations of underground structures from the department of engineering. The latter department then assigns a suitable location for the proposed construction. This system has been in force for some years and insures a systematic and rational allocation of underground space with a maximum freedom from interference. Some of the older streets in the city show sad evidences of inconveniences and crowding due to lack of system in assigning locations. This has prevented the use of space, which if logically apportioned among the various public service corporations, could be most advantageously used.
>
> Except for the outlying and newer streets, underground maps have been made to a scale of 20 feet to an inch, showing all sewers, water mains, gas mains, duct lines, curbs and street railway tracks. The underground construction is shown by colored inks, a separate color for each type of construction. These maps are used to solve underground problems in the older streets, while in the newer streets a definite system is followed as closely as conditions will permit.

The method employed by the city of Hartford in this important matter is both simple and effective. Other cities which have not as yet taken appropriate steps to effect control over sub-surface construction should find Hartford's experience of help in meeting their local situation.

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State's Powers in Grade Crossing Elimination.—An interesting decision establishing the powers of a state in respect of requiring the elimination of railroad crossings was recently handed down by the United States Supreme Court in the Los Angeles union station case. The latter case grew out of proceedings instituted before the California railroad commission in 1916 to require the three railroads entering Los Angeles to eliminate certain grade crossings within that city and also to construct a union terminal within a definite limited area. During 1921 the railroad commission issued an order to the railroads requiring not only the removal of grade crossings, but certain other improvements independent of the crossing elimination, the total expenditures involved being estimated at from $25,000,000 to $45,000,000. The railroads appealed to the state supreme court for a review of the order of the commission and that court held that while the commission was within its rights to require the elimination of grade crossings within the city, qualifying this order by the requirement for the construction of a union station annulled the former. The case was carried by the railroad commission to the United States Supreme Court and the latter in sustaining the ruling of the lower court stated in part as follows:

In sustaining the California supreme court the federal court quoted the inferior court's statement:

> That notwithstanding the views expressed by the railroad commission in its findings and conclusions we can perceive no indispensable relation between the elimination of grade crossings and the establishment of union depot facilities, nor can we see any unsurmountable difficulty why jurisdiction over the matter of eliminating grade crossings may not be exercised in a proper case consistently, and it may be concurrently, with the exercise of the authority which is vested by the act of Congress of 1920 in the interstate commerce commission over the subject of union terminal depot facilities. The state court thus modifies the findings of the railroad commission in so far as they sought to tie the validity of its order establishing a union station to its unquestioned police power to regulate grade crossings in the interest of public safety.

This decision is of advantage to the railroads and cities alike. It definitely fixes the responsibility of the railroads to deal directly with state authorities in matters relating to grade crossing elimination and thus protects cities from the delays incidental to presenting their cases of this character before the interstate commerce commission, and also protects the railroads against unreasonable requirements in respect of union station construction within city limits.

Estimating Water Charges When Meters Fail to Register.—Systematic control over consumers' accounts is an essential feature of sound management of water supply properties whether municipally or privately owned. For metered supplies this demands close attention to the condition of the meters and the prompt removal of these for repair or cleaning when necessary. It is not always practical to replace meters when they are removed for any cause and under such conditions it becomes necessary for purposes of accounting to estimate the consumption of water during the time when these facilities are not connected with the house services. Timely suggestions for handling situations of this kind are contained in a paper presented by Mr. W. C. Hawley, chief engineer and general superintendent, Pennsylvania Water Company, Wilkinsburg, Pa., before the recent convention of the American Water Works Association. The following comment is taken from Mr. Hawley's paper.

There are few more perplexing duties which the waterworks manager is called upon to perform than estimating what is the proper and just amount of water to be charged for when the meter has stopped registering. Fortunately a very small percentage of the meters in service fail to register and again, fortunately, in the majority of such cases there is little difficulty in making a bill to which there can be no reasonable objection on the part of the consumer, but there are, occasionally, cases for which it is extremely difficult to find a satisfactory solution.

It is important that the fact that a meter is not registering should be discovered at the earliest opportunity. The meter reader should therefore be given instructions to pay particular attention to this matter. In case the registration for the period is less than ordinary he should open a spigot and watch the 1-ft. hand to see if the meter is registering. The meter books, when returned to the office after reading, should be carefully inspected and all suspicious readings should be listed, and inspectors sent to make check readings. This will be found worth while not only in picking up meters which are not registering and have been overlooked by the meter reader, but in the elimination of mistakes in meter reading, and thus saving trouble over incorrect bills.

In cases where the rate of registration has not been uniform it may be advisable to use as a basis the rate of registration for the period immediately preceding the billing period or to use, at least as a check, the rate for a period of three or four weeks after a new meter, or the old meter repaired, has been set. If there is a material difference between the rates of registration immediately before and after the period to be billed it may be best to use the average of the two rates as the basis for billing if the two periods were of about equal length. If they were not, probably the best solution will be made by the use of squared paper, using the horizontal scale for time and the vertical scale to represent either the meter readings or registration. By prolonging the lincs into the period for which the registration is to be estimated until they intersect, we can find the probable date when the change in rate of registration took place, and thus determine approximately the periods during which each rate of registration occurred and the total amount.

⁂

Need for Standardization of Floor Load Requirements of Building Codes.—Wide variation in the provisions of building codes governing floor loads for the same type of building construction are disclosed in a report on this subject recently issued by the Building Code Committee of the United States Department of Commerce. The report is based on a study of the building code in 109 cities. Among others the permissible floor loading for dwellings and tenements under the various codes ranged from 25 to 100 pounds per square foot with an average, for all floors, of 52 pounds. Warehouses and factories showed a range from 100 to 300 pounds per square foot, while the requirements for public garages varied from 50 to 250 pounds per square foot. The loading for assembly hall floors ranges from 70 to 150 pounds per square foot, that for school rooms from 40 to 150 pounds and for the ward rooms of hospitals from 30 to 150 pounds per square foot. Code requirements for office buildings show a range from 40 to 150 pounds per square foot for all floors with averages of 114 pounds per square foot for the first floor and 69.7 pounds for all other floors. There is obviously no logical justification for such wide variation in the requirements governing the design of similar structures in different cities. In the opinion of the committee such variations are not due to essential differences of practice or conditions in different parts of the country, but largely arise from actual ignorance of the loadings to be expected. Naturally loading requirements in excess of those needed to ensure safe construction tend to produce wasteful diversity of practice and undue cost. With the view of eliminating this waste the committee is undertaking the collection of data with respect to the actual floor loading in different types of buildings as a basis for the preparation of standard requirements to meet various conditions. At the request of the committee, during the latter part of 1922, a detailed investigation was made of live loads on several floors of the Equitable Building, New York City. The objects of this study, as stated in the report, were to determine the maximum, minimum and average floor loads existing in actual office practice; the nature and distribution of such loads; and the relations which they should bear to the assumptions for design of floor slabs, floor beams and columns as governed by prevailing building code practice. With this in mind it was necessary to determine the actual weights of office furniture and merchandise, also its location with reference to partitions and floor beams.

Three floors were selected, representing light, medium and heavy classes of occupancy, and the entire area of these floors was surveyed. Sketches were prepared for each office, showing the location and weights of all articles of furniture, so that the distribution of loads could be quite closely determined. The results obtained are summarized in the following table:

Maximum, Minimum and Average Live Loads in Equitable Building

	No. of Offices	*Maximum Lb. Sq. Ft.*	*Minimum Lb. Sq. Ft.*	*Average Lb. Sq. Ft.*
Light occupancy floor (20th)	67	55.40	0.87	10.26
Medium occupancy floor (37th)....	64	30.73	3.27	10.67
Heavy occupancy floor (11th).....	62	33.84	5.00	13.96
Total and average...........	193			11.60

In view of the surprisingly light average floor loads discovered, it becomes an interesting question whether in a building of this type further reduction in loads assumed for column design could be made with safety. The building was designed for a live load of 100 pounds per square foot on the first floor and 75 pounds on all others. It is probable that further study will disclose comparable conditions with respect to floor loading in other types of buildings. In the event that this should prove to be the case a substantial reduction in the cost of construction might be possible in meeting design requirements more in keeping with actual live load conditions in buildings devoted to certain definite uses. At the same time if loading requirements are to be reduced materially it will be necessary to exercise rigid control over the use of space within buildings. This will demand intelligent co-operation between municipal officials and building owners in securing strict compliance with code provisions. It is in this way alone that the public can realize the potential benefits that should result from the exceptionally valuable work being carried on by the Building Code Committee.

✣

Controversy over Awards for Damage Resulting from Street Widening in Boston.—Serious defects in the policy followed by the city government of Boston in awarding damages for street openings are disclosed in a communication from the Boston Finance Commission to Mayor Curley which was published in the *Boston City Record.* In order to understand the criticisms of the Finance Commission, it is necessary to give brief consideration to the procedure followed by the city in taking land for street widening or similar purposes. According to the commission, the procedure is substantially as follows:

The city of Boston is authorized by statute to buy real estate or to take it by right of eminent domain. If the purchase method is used, the city cannot pay more than 25 per cent above the assessed valuation.

If a taking is made, the street commissioners alone have the power to make a taking (except the transit commission for transit purposes) and therefore act for all other departments upon written order by the other department, which must be approved by the mayor.

The street commissioners then pass an order which defines the exact property taken and places the amount of the damage by the taking. Before becoming operative this must be approved by the mayor. In fixing the amount of the damage the street commissioners take into consideration other things beside the actual value of the property, such as damage to the business done on the property, plans of development, etc.

If the award is satisfactory to the party damaged, upon notice of acceptance of the award, the street commissioners pass an order for the payment, and after such further details as are necessary in making the transfer, payment is made by the city treasurer.

In case the award is unsatisfactory, the first method usually employed is for the owner to obtain a hearing with the street commissioners, more often informal than formal, at which an attempt is made to convince the street commissioners that the owner is entitled to a larger amount. If this is unsuccessful, then a suit is entered against the city in court. This automatically takes the case out of the hands of the street commissioners and brings it before the law department. If the city law department decides to stand firmly by the street commissioners' award, the burden is then upon the plaintiff to have his case in court. In 99 per cent of the cases, however, the law department effects a settlement by offering a larger sum of money than the street commissioners' award and judgment is then entered in court by agreement for the plaintiff. In such cases the street commissioners have nothing more to do, except to send along to the city auditor formal papers to permit the payment.

The specific case to which the Finance Commission took exception involved the extension and widening of Stuart Street. This proceeding disclosed two rather amazing practices. The first is the speculation in awards from which an appeal has been taken pending a decision on the appeal. The second involves the appearance of individuals acting as experts in the appraisal of property for the purpose of determining awards for damage, who actually were the owners of the property in question. With respect to the first, the report of the Finance Commission cites two cases in which owners of property "sold their claims for a trifle more than the city had awarded them to one who was willing to speculate and who in a short time procured from the city a 54 per cent increase in one case and a 28 per cent increase in the other over the original awards. Ordinary diligence on the part of the city authorities would have revealed the true ownership in these cases. These claims, presented by persons who were not owners at the time of the land-taking, should have been looked upon with suspicion. A trial in court would have saved the city the humiliation of having enriched speculators by paying a substantial amount more than the original owners were willing to accept." Permitting the second practice would seem to be indefensible.

Facts disclosed in the report of the Finance Commission with respect to the operation of the present policy of the city government of Boston in the above matters justify raising serious question as to the wisdom of that policy. Certainly no policy which offers the opportunity to traffic in damage claims against the city for speculative purposes can be construed as providing suitable protection of the public interest. As a means of correcting certain of the more flagrant defects in the present policy the commission recommends:

1. That in future street widenings the board of street commissioners hear the owners of land to be taken on the question of damages prior to making the awards.

2. That the street commissioners, having given the parties interested an opportunity to be heard, and having awarded damages, shall thereafter make no changes in the awards.

3. That all owners of property taken who refuse to accept their awards made by the street commissioners be left to their remedy in court.

It would appear to be of the utmost importance that the public of Boston should give hearty support to the Finance Commission in its efforts to remedy, what is, to say the least, a most demoralizing situation.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY ARCH MANDEL

William C. Beyer was appointed director of the Philadelphia Bureau of Municipal Research, of which organization he has been acting director since the resignation of Frederick P. Gruenberg on November 1, 1923. Mr. Beyer has been a member of the professional staff of the bureau since January, 1915, and was assistant director for five years.

Mr. Beyer, who is a national authority on problems of public employment, was in great measure responsible for the prominent part played by the bureau of municipal research in the movement for employment standardization in the civil service of Philadelphia. "Workingmen's Standard of Living in Philadelphia," "The Character and Functioning of Municipal Civil Service Commissions in the United States," "Employment Standardization in the Public Service," and "Comparative Salary Data" are works of which he is the author.

⁂

The Ohio Institute is just completing a budget bill for all taxing districts of the state. The principal features of the bill are a uniform fiscal year throughout the state; annual uniform financial reports; and a stricter enforcement of a balanced budget through prohibiting expenditures or obligations in excess of the money available.

School finance in Ohio is being studied a second time by the Ohio Institute for the Ohio State Teachers' Association. Particular attention will be devoted to the possible means of establishing and maintaining a specific minimum of schooling for all children throughout the state.

⁂

A Convention to Discuss Taxation and another on civil service will be held next September by the Citizens' Research Institute of Canada.

⁂

In Minneapolis, where a five-year improvement program has developed from requests of the various departments, the bureau took the position that there should be no official commitment to an amount to be spent in five years, not only because one body cannot bind its successor, but because conditions may change in future years. The value of a survey of possible needs lay chiefly in the better opportunity it affords the board of estimates in determining the limits of the 1925 program, according to the attitude of the bureau.

This position is in contrast to improvement programs such as were adopted in St. Louis and such as it is hoped to adopt in San Francisco, Kansas City, Dayton, and the school building program in Dayton. It is almost the universal practice now for cities to adopt officially school building programs to cover a period of years.

Minneapolis probably completes its public improvements expeditiously once it has decided upon them. As a rule, the past tense must be applied to a public improvement program that has been planned for a "five-year future," before the project is completed.

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The Minneapolis Bureau's Work on a common system for roads and bridges in Hennepin County has been approved informally by the state public examiner and the principles laid down therein are being applied in other counties of the state by the examiner.

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The Permanent Registration Law, largely drafted and the records designed by the Minneapolis Bureau, has made it possible to register up to May 31, 125,000 persons at a cost only slightly greater in the amount necessary to register one-fifth that number at a general registration day on May 31. This general registration day was required by law against the protests of those interested in the new act. The larger number of registrations under the new law were made accurately and in good form, while the 25,000 registrations on the general registration day, carried out by more than 600 registrars, are, as a rule, full of mistakes.

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As a Result of an increase in membership of the Minneapolis Civic and Commerce Association, and in the annual income by over $40,000, the bureau, which is a part of the Commerce Association, will be enabled to enlarge its program of activities.

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Mr. Robert Buechner, formerly on the staff of the Detroit Bureau of Governmental Research and more recently city manager of Grand Ledge, Mich., has resigned the latter position, owing to the failure of the electorate to approve a city manager charter, and has accepted the position of city manager at Gladstone, Mich.

Mr. Buechner succeeds C. W. Ham, a graduate in the course of municipal administration at the University of Michigan, who becomes city manager of Pontiac.

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The Commission of Publicity and Efficiency of Toledo has recommended that an administrative survey be made of the municipal activities with a view to showing means by which the city can intelligently reduce this year's anticipated deficit and establish itself on a better financial basis in 1925. As a first step in the retrenchment program, the mayor and council have agreed to a 15 per cent cut in the salaries of all city employees, which may be put into effect either by a one month's vacation without pay or deduction from the monthly pay check.

Wendell F. Johnson, former secretary of the Commission of Publicity and Efficiency and more recently assistant director of the Toledo Social Service Federation, has gone to Harrisburg, Pa., as director of the Associated Charities in that city. Mr. Johnson takes with him experience in newspaper work, governmental research, as well as in the field of social service.

⁂

A Recent Survey by the Commission of Publicity and Efficiency of Toledo revealed that Toledo is one of a few cities in the country in which property owners share a portion of the street lighting expense. At present this ratio is 50-50 for overhead wiring system and 85 per cent property owners and 15 per cent city for White Way or underground. In an effort to relieve the tax funds of a large portion of this burden, an ordinance has been introduced to increase the property owners' share to 98 per cent, which would reduce the city's annual cost of about $100,000 to $10,000.

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One-fifth, or $183,000, of the total Toledo police department appropriation in 1924 goes for traffic supervision according to a report recently made by the Toledo Commission of Publicity and Efficiency, and published in the Toledo *City Journal.* Since 1920 the traffic force has been increased from 54 to 110 men, largely by reason of detailing policemen to duty at school crossings. The city is seeking a means to make motor vehicle drivers, who benefit the most by this service, pay a proportion of this cost.

⁂

The Taxpayers' Association of New Mexico, Rupert F. Asplund, director, is now engaged in supervising the preparation of county budgets. Under the law every county, city, town, and village in New Mexico must prepare an annual budget to be submitted to the state tax commission for its approval. For several years the Taxpayers' Association has co-operated with the state tax commission, working under its orders. In this budget work of the association, the director will visit twenty-one counties, where he will assist the local authorities in the preparation of their budgets. He will also assist the state tax commission in the consideration of those budgets.

⁂

Milwaukee School Building Survey.—A special survey committee, appointed by the superintendent of schools as authorized by the board, recently reported a five-year school building and a ten-year sites program to the Milwaukee school board. Harold L. Henderson, director of the Citizens' Bureau of Municipal Research, was a member of the survey committee.

The report of this committee is part of the ten-year budget plan being developed by the board of estimates.

The report recommends the erection of nineteen new schools, housing 16,500 pupils and the acquisition of forty-five new sites mostly outside of the present city boundaries. The program calls for an expenditure of $8,438,000 and the report recommends that over $3,000,000 be raised by direct taxation, thus continuing the present practice of getting onto a "cash" basis for building all schools as soon as possible.

School enrollment was found to have increased at a rate nearly double that of city population. One hundred and fifty out of every 1,000 enrolled are in the high schools now, as compared with 87 ten years ago. It is anticipated that the enrollment will increase 13,000 in the next five years and 27,000 in ten years, while 3,900 is expected by annexation of new territory during the next decade. There is at present a shortage of 5,700 seats.

The committee used standard methods in laying out its program, giving consideration to local telephone company population prediction data, zoning law, arterial highways, street car lines, park areas, topography and distance to be traveled. A three-eighths radius was used in locating elementary schools, three-fourths miles for junior high schools and one mile for senior high schools. It was recommended that five acres be purchased for elementary, seven or eight acres for junior and twelve acres for senior high schools, and in some instances, all three schools were to be grouped on one large site.

The committee urged the school board to determine, as soon as possible, policies as to the adoption of the junior high school plan, composite versus specialized high schools, size of classes and platoon schools as being vital factors in outlining the building program.

What might be considered unusual in the report was the recommendation of the purchase of forty-three sites outside of the present city limits. These sites are estimated to cost a little over $500,000 and are in line with sound future planning. The committee found it most difficult to obtain sites inside the city at reasonable figures. This difficulty forced the recommendation of the policy of acquiring sites outside of the city. While the real estate department of the city will attempt to deal directly with the owners of these sites, a proposed law was recommended, giving the city the right to condemn school sites within three miles of the city boundaries.

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In Kansas City, the Public Service Institute is preparing the preliminary draft of the new city manager charter and Walter Matscheck, the director, has been appointed secretary to the charter commission.

The institute is also trying to arouse interest in a financial plan to cover a period of years and which will pull Kansas City out of its present financial difficulties, as well as take care of service and improvement needs that are piling up.

⁂

Campbell Russell, director of the Oklahoma County Bureau of Government Research, is also secretary of the State Taxpayers' Association, which was organized "for the purpose of making Oklahoma safe for taxpayers." Mr. Russell devoted most of his time last year to assist in deposing a governor considered undesirable.

Researchers will be interested in the bulletins and cartoons published by Mr. Russell's organization. Address, Campbell Russell, 1222 First National Bank Building, Oklahoma City, Okla. For a young organization, only a little over a year old, this research bureau has much to its credit.

The Municipal Research Bureau of Cleveland is undertaking a study of municipal markets. The objects of the study are to determine whether the earnings of the city owned markets are sufficient to pay the real costs of conducting these enterprises and what benefits are accruing to the citizens of Cleveland through their operations.

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C. M. Young, secretary of the Des Moines Bureau of Municipal Research, sent in a copy of the new Iowa budget law. An interesting feature of the law is the powers granted the budget director, who may conduct hearings, render decisions, adopt the rules governing appeals and hearings, and has the power to subpoena witnesses, administer oaths and to compel witnesses to produce documents and any information essential to the matter under investigation.

⁂

The Institute for Government Research is busily engaged in installing in the federal departments the system of accounting and reporting for operating services that was devised by the institute and approved by the comptroller general, who is responsible for prescribing it for the government. In addition to this, the institute is issuing additional numbers to its series of service monograms.

Having heard so much about what the last session of congress has failed to do, it may be of interest to note a few accomplishments in respect to administrative matters, as reported by Mr. Willoughby of the Institute for Government Research:

1. The Joint Committee on Reorganization of the Administrative Branch of the Government submitted a report and a bill embodying its recommendations. While these recommendations do not go as far as those interested in reorganizing the administrative services would like, the steps taken are in the right direction, and a great improvement would result if the bill would be adopted as now framed. The chief recommendations are:
    a. That the department of the interior, which consists of a large number of unrelated services, be broken up and that in its place a department of public works and public domain be created. This still leaves river and harbor improvements with the war department,

but the fact that definite provision is made for a department of public works will, however, greatly strengthen the demand in the future for the addition to it of construction services until it secures jurisdiction over all work of this character.

b. That those services not related to the national finances be divorced from the treasury department, and that a department of education and relief be created. This department is intended to be a bifunctional one consisting of two branches, one dealing with education and the other dealing with public health and relief through such agencies as the veterans' bureau.

2. The House passed a bill providing for the abolishment of the personnel board, which was created by the reclassification act of 1923 to administer the provisions of this act. The bill passed vests all of the duties of this board in the civil service commission. This bill was favorably reported in the Senate, but final action was not taken upon it.

3. Congress passed what was known as the Rogers bill providing for a thorough reorganization of the diplomatic and consular services. This bill is in all respects an excellent one. It combines the two services into a single service known as the foreign service, so that from the personnel standpoint members are interchangeable between the consular and the foreign service up to but not including the ministers and ambassadors. The bill provides for nine grades, the highest receiving a salary of $9,000 a year, and permits of appointments to the rank of minister from the foreign service. The importance of the bill is that it erects this service into a definite career, members entering it from the bottom and being promoted up on the efficiency basis.

NOTES AND EVENTS

Move For Recall of Council.—Following some friction between the manager and the city council of Tulare, Calif., over the enforcement of a gambling ordinance and decision by the manager to enforce the law (which is nothing more than his duty), the manager was summarily removed to the displeasure of the law enforcement people. Petitions in excess of the necessary number were filed for the recall of the councilmen who voted to oust the manager, but the council refused to accept them. Mandamus proceedings have been instituted and the matter comes up for hearing as we go to press.

✤

City Solicitor for Forty Years.—Sir Homewood Crawford, city solicitor of the city of London for forty years, is retiring this summer. As readers of the REVIEW well know, the duties of an English city solicitor are various and responsible, and the fact that the retiring incumbent has served so long, being re-elected each year by the Court of Common Council, testifies to the high service of Sir Homewood and the sound practice of retaining competent officials regardless of national politics which Americans usually attribute to English municipalities. Sir Homewood's predecessor served twenty-three years. When a city finds a good man it is a wise practice to hold to him.

✤

Is Advertising a Proper Use of Taxpayers' Money?—The corporation of the city of Hull, England, believing that the time had come to adopt a policy of municipal advertising to overcome the losses sustained during the war undertook to levy a special advertising tax to promote the industrial opportunities of the place. The Home Office, however, disapproved of this departure and the proposal was withdrawn. The grounds were that, if permission for such expenditures were given to Hull, other cities which did not possess the power would be placed at a disadvantage, and if the privilege were given to all it would result in competitive advertising of no benefit to the country at large. However, there is evidence that other municipalities are also anxious to advertise their opportunities, and it is probable that the power to do so from the tax rates will be extended by general bill which will put all cities on an equality.

✤

Dayton to Honor Memory of John H. Patterson.—Immediately following Mr. Patterson's death, in 1922, the city council of Dayton appointed a commission to prepare suggestions for a suitable memorial to the distinguished manufacturer and citizen. The recommendations of the commission, which have been just announced, call for an equestrian statue of Mr. Patterson to be erected in Hills and Dales Park, which was his gift to the city in 1918, and for the building of a memorial boulevard to be named the Patterson Boulevard. This boulevard will give an outlet paralleling the pike to Cincinnati and will run through Hills and Dales Park.

The city council has since appointed a committee of twenty-five to raise $50,000 for the erection of the statue.

✤

City Manager Maliciously Indicted.—In view of the publicity which has been given in certain quarters to the indictment of Manager O. E. Carr of Dubuque for participation in an election for councilmen contrary to the laws of Iowa, we have gone to considerable trouble to learn the true facts for our readers.

Mr. Carr, who has the support of the vast majority of the citizens of Dubuque, has since the beginning of his administration been under attack from a small group of disgruntled politicians who have found that the new form of government has eliminated them from their old positions of influence. For the most part this attack has been bitterly personal and has found expression in a local sheet formerly called the *Dubuque Labor Leader*, but now called simply the *Dubuque Leader*, the word "Labor" having been removed at the command of the labor organizations. Carefully avoiding liability under the libel laws, the publisher of this paper gave voice to various slurs and innuendos reflecting upon the honesty and integrity of Mr. Carr. These the latter undertook to answer in an address before the Dubuque Good Government League devoted primarily to an exposition of what the city government had been doing for the people. He expressly disavowed any intention of influencing the election, and there is nothing in his speech which can be twisted into support for any candidate.

On the basis of this address Carr was indicted. The case has not yet come to trial and it is doubtful if it ever will. The city manager was merely exercising his right to defend himself against charges of a personal kind. It has been stated by persons who helped draft the city manager law that it was never the intention to deny to the manager his constitutional right of free speech in a situation such as this. The sole purpose was to prohibit him from engaging in political manipulations with a view to retaining himself in office.

*

The Poolroom Replaces the Saloon.—The June *Bulletin* of the Cincinnati Women's Club carries a report on poolrooms which shows that the vices formerly the particular possession of the saloon have been bequeathed to the poolroom. The poolroom has never had a too savory reputation. All too often it is merely a blind to conceal questionable activities of the proprietor.

Based upon the estimate of the Cleveland survey of 1919, that the average profit of a three-table room is only $12 a week, most of the Cincinnati poolrooms are losing money unless the owner utilizes other methods of profit making. In Cincinnati only 74 out of 295 licensed poolrooms have as many as three tables. Only 27 have six tables which is the minimum necessary to earn a living wage from the earnings of the game. Usually there must be a supplementary source of income. This in some cases is another business, such as a soft-drink establishment, barber shop, or lunchroom; and in some cases, other employment during the day. In a very large number, however, the poolroom is obviously made to yield a profit by means of illegal gambling or other even more dubious methods.

In short, the poolroom frequently camouflages vastly more profitable but vicious enterprises. Fifty-five of the 109 Cincinnati poolrooms on which records were kept last year were involved in law violations one or more times. The charges with which they were connected include almost every conceivable crime. On or about the premises of four, murders were committed. The most common charges were gambling, loitering, illegal possession of liquor, and disorderly conduct. Other charges include checking of guns and knives, conducting a pawnshop without license, receiving stolen goods, selling narcotics, running a disorderly house, and manslaughter.

The conclusion is reached that Cincinnati is behind many other cities in poolroom control. More careful regulation through more careful licensing and special inspections is recommended.

*

The Smoke Nuisance in England.—Those who have seen London and New York, and Sheffield and Pittsburgh under similar weather conditions cannot fail to have compared the heavy pall of smoke which overhangs the English cities with the relative clearness and cleanliness of buildings in American cities, says a writer in a recent number of the London *Municipal Journal*. In England the nuisance is principally due to the bituminous coal burned in domestic grates. Central heating of houses and offices and the use of anthracite and coke account for the comparative absence of smoke in America. Anti-smoke regulations are also enforced with more severity on this side of the Atlantic.

Private enterprise has done much to reduce the waste in large industrial establishments, but the bulk of the waste cannot be reached without further legislation to control domestic fires. Experts have long known how to reduce it but have been handicapped by the apathy of the public, although more wealth has been squandered since the war by the improper use of fuel than would have paid the national debt to America.

The author of the article recommends the low temperature distillation of coal to supply domestic fuel with just enough volatile matter to make it burn easily and yet without smoke. He estimates that enough oil would be recovered by this process to meet the needs of the country. For industrial plants he recommends fuel in powdered form. The fuel is ground very fine and when mixed with the proper proportion of air burns like a heavy gas with a long hot flame. The Ford Motor Company is a prominent user of powdered coal in eight boilers which are twice as large as any other in England.

*

Philadelphia's Experiments with Traffic Control.—"Twenty-five years ago," remarked one of General Butler's traffic aides, "they sent us out at seven o'clock in the morning to arrest speeders on bicycles."

That was largely the measure of the official grasp of the traffic problem previous to the advent of General Butler in Philadelphia. His experiments with traffic control and regulation are the most comprehensive the city has known. Synchronization of traffic in the down-town section and on "feeder" streets within the largest possible radius of City Hall, with each main thoroughfare in charge of a lieutenant of traffic, is the plan which he is working to establish. The control light installed in City Hall tower, regulating north and south, and east and west traffic has already materially speeded up traffic and practically overcome congestion due to "bunching" at single control stations. Under the old system, the run from the northern city limit (6900 North) to City Hall averaged between forty and forty-five minutes. Under the new system now in operation the average is twenty-five minutes.

In working out the details of this plan, Director Butler is striving to effect a maximum use of every street, the use of every available foot of the street with proper and reasonable provision for loading and unloading. The ultimate elimination of parking in the center of the city, the establishment of "utility" streets to permit the diversion of "local" traffic, to give through traffic an uninterrupted route, and the diversion of heavy truck traffic from main thoroughfares are included in the new plan.

In the present experiments, General Butler is giving due consideration to every phase of the situation, including the effect upon the business man and the protection of pedestrians as a necessary part of the success of any plan for traffic regulation. His success in solving the problem will be limited only by the engineering obstacles which affect the situation,—the unfortunate but inevitable consequence of the absence of a comprehensive plan in the development of the city.

Millard B. Simmons.

✤

Civil Service in Ohio Ten Years Afterwards.—The Citizens' League of Cleveland has recently published a report on the first ten years of the merit system in Ohio under the laws passed in fulfillment of the constitutional amendment adopted in 1912, requiring that appointments in the civil service in state, county and city be "made in accordance with merit, to be ascertained as far as practicable by competitive examinations." Although the amendment is of universal application, less than half of the public service of the state and its subdivisions is on the merit basis. Practically none of the county employees of Cuyahoga county and only half of the city employees of Cleveland are appointed from eligible lists.

The present state law, somewhat weakened by amendments since its passage in 1913, gives the state civil service commission jurisdiction over the employees of the state, counties, school districts (except teachers), and cities not under home rule charters. Even in so-called charter cities the state commission can take steps to have delinquent commissions removed and can appoint commissions in those cities which fail to do so. Clearly legal means exist in Ohio by which the merit system could have been in full swing in practically all services of the government.

But the accomplishment has been far short of this. In the state service, the League reports, the records are well kept and the commission is exercising a fairly close supervision. In the county service, however, the situation is entirely different. The state commission has formal control over only twelve of the eighty-six counties. Of the 370 employees of Cuyahoga county, only 33 were appointed as a result of competitive examination. Supervision by the state commission over the cities has been fragmentary. The cities have been left largely to their own devices and in some the municipal commissions are functioning properly, in others not.

The reason for the failure of the state commission to carry out the mandates of law are that the commissions, both state and local, have been filled by men who are not in sympathy with the merit principle. The legislature, and the city councils, furthermore, have crippled the commissions by insufficient appropriations. It is evident that official opinion is opposed to the merit principle and public sentiment in favor of it, although the majority in favor of the constitutional amendment was more than 100,000, has not been vigorously enough expressed.

✤

Loan Scandal in Cuyahoga County (Cleveland).—During this year of political exposes Clevelanders have not been without their own "thrillers." The recent failure of a local savings and loan company brought to light a situation capable of further disturbing the harassed taxpayer. The company, known as the Municipal Savings and Loan Co., had during recent months secured deposits of county funds to the extent of $1,400,000. The company became financially embarrassed and the question arose as to the safety of this money representing part of recent tax collections. To be sure, the deposits were covered by surety bonds but two complications came to light.

> 1. The state law seems clearly to allow deposit of county funds in banks and trust companies only.
>
> 2. The underwriters of the surety for the larger part of the sum proved to be Lloyds, England, who are not licensed to do business in Ohio.

There seemed no immediate prospect of the savings and loan company being able to honor the county's claim, so interest centered around the question of whether the county would be able to collect from the surety companies. Lloyds indicated that they would follow the lead of the American surety companies involved. These companies, however, did not attempt to escape liability upon the claim that the deposits were illegally made. Upon the receipt of payments to the county from the American companies, Lloyds proceeded to forward remittances to cover its share, $850,000. At this writing $715,000 of this amount has been received by the county.

The county commissioners defended their action in depositing the $1,400,000 in an institution which is neither a bank or a trust company upon the grounds that the saving and loan company was willing to pay a substantially higher interest rate than the banks pay on county funds. Nevertheless, newspaper and citizen criticism of these officials has been pointed and energetic. As yet, however, no steps have been taken to actually test the legality of the commissioners' action. The fact that the county's money is being restored by the surety companies is relieving the extremely tenuous position of these officials. Whether the savings and loan company, now in the hands of receivers, will eventually be able to meet in full the claims to its depositors is still in doubt.

*

Iowa's New State and Local Budget Law.—A special session of the Iowa legislature was called by Governor Kendall for the purpose of revising the Iowa code, which is a volume, several thousand pages in length. The legislature met December 4, 1923, and was in session 145 days. It was presented with the work of the code revision commission, but the members of the legislature did not, in many instances, abide by it. More than three thousand sections of the law, cluttered up by much dead and obsolete material, were brought up to date. Provisions were clarified and conflicts in the law remedied. Amongst other laws, the insurance act, the prohibition law, the game and fish laws, the corrupt practices act, and the banking, workmen's compensation, and absent voters laws were strengthened and broadened.

Although the legislature in the early days of the session had decided to bar new legislation during code revision, it soon became evident that changing conditions required legislative treatment. Accordingly, a number of new proposals were enacted into law.

Of these measures the most important is the budget law. In brief it provides for a budget system both for the state government and for municipal corporations. A director of the budget, following the federal model, to be appointed by the governor with the consent of the senate, at a salary to be determined by the executive council of the state, is put in charge of the budget system. His term is six years. The administrative departments and the independent administrative establishments of the state are required to submit to the director on September 1, 1924, and on or before August 1 in every second year thereafter, a statement of the receipts for the preceding biennium and an estimate of the needs for the ensuing biennium together with the reasons for the requests made. The director is permitted to increase or decrease the departmental requests. He is also to make an estimate of the receipts which will be required to meet the financial needs of the departments. The director submits the budget to the governor, who is required to present it to the legislature at the time he delivers his biennial message. The legislature is given complete freedom in dealing with the recommendations of the director.

With respect to local budgets the law provides that each of the governing boards of the counties, cities, towns, townships, school districts, road and drainage districts of the state prepare a statement of the estimated income and needs of the corporation. No municipality is permitted in any year to certify any tax or assessment on property until the taxing authority estimates: (1) the amount of income which may be derived from sources other than taxation; (2) the amount proposed to be raised by taxation; (3) the amount to be expended for the ensuing fiscal year; (4) a comparison of the amounts to be spent with the amounts expended for the two preceding years.

The director of the budget of the state is empowered to "exercise general supervision over the certifying boards[1] and levying boards of all municipalities with respect to budgets" and to "prescribe for them all necessary rules, instructions, forms, and schedules." More particularly, it is provided that the director shall prescribe the manner and form in which estimates are to be itemized and classified. Furthermore, it is his duty to prescribe rules and provide blanks by which the budgets of various municipalities shall be certified by the chairman of the certifying board or levying board to the county auditor. The county auditor is required to prepare a summary of each budget showing the condition of the various funds for the fiscal year and this summary is to be printed as part of the annual financial report of the county auditor, a copy of which is to be certified by him to the director. Municipalities are permitted, subject to the approval of the director, to transfer money from one fund to another.

Geddes W. Rutherford.[2]

✣

Automobile Saturation Point in New York to be Reached in 1950.—Although there is already in New York city a motor vehicle for every sixteen persons and in the region known as New York and its Environs a motor vehicle for every seven persons, the automobile saturation point in this region probably will not be reached until 1950 when it is expected there will be 16,800,000 persons and a motor vehicle for every three and one-half persons in the region.

This conclusion was reached in a report presented at the regional traffic conference held last May in New York under the auspices of the Committee on the Regional Plan of New York and its Environs, attended by representatives of 411 cities and towns within a radius of fifty miles of New York city.

The report was prepared by E. P. Goodrich and Harold M. Lewis. Continuing it says:

> In New York city alone there were in 1923 about 265,000 passenger cars, 79,000 motor trucks, and 20,000 omnibuses. There were in the entire city about forty-five persons per motor vehicle in 1916, and in 1923 this figure had been reduced to about sixteen persons per vehicle. It appears that in 1930 there will be about eight persons per motor vehicle, or a total in New York city of about 835,000 vehicles based upon an estimated population of 6,700,000.
>
> By the year 1950 the number of persons per vehicle will probably have become quite stable and from that date the number of vehicles will more closely follow the population, provided, of course, that some other form of transportation does not supersede the automobile. Assuming five persons per motor vehicle in the year 1960, a reasonable conclusion from the curve showing the change in this factor, there would be at that date approximately 1,340,000 motor vehicles within New York city.
>
> Making a similar study for the entire area and dividing it into New York city and the balance of the area, or the environs, it appears that the number of persons per motor vehicle is much lower in the outlying parts than in the center of the area. There were in the environs about seven persons per vehicle in 1923 in contrast with sixteen in the city itself. As already pointed out, the tendency would be for the ultimate number of persons per motor vehicle to be lower in the entire area than in New York city. Assuming a ratio of three and one-half persons per vehicle in 1960 this would mean that in that year with the estimated population of 19,000,000, there would be 5,430,000 motor vehicles registered within the entire area, or 35 per cent of the total United States registration for the year 1923. These figures are given as an indication of what this district is heading towards at the present time and to point out the need for such constructive planning as will avoid any such future congestion.

The report, incidentally, reveals the interesting fact that of the 20,000,000 motor vehicles which had been produced up to the end of 1923, only about 5,600,000 or 28 per cent had been scrapped. It appears, says this report, that the average life of a motor vehicle has been increasing and is now about six and one-half years.

A serious phase of the problem is the number of persons killed and injured each year. Approximately 2,030 persons were killed by motor vehicle accidents in New York and vicinity in 1923. In that year the death rate from automobiles was five times as large as that from typhoid fever.

✣

How Long Can We Stand This Pace?—Under this caption the *Minneapolitan*, the weekly publication of the Minneapolis Civic and Commerce Association, publishes the following:

> It is a more or less commonly accepted theory that there should be a direct relationship between the increase in population, tax rates, valuation and bonded debt of a community. Whether or

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[1] Certifying board means any public body which has the power to certify any tax to be levied or sum of money to be collected by taxation. Levying boards means the board of supervisors of the county and any other public body or corporation that has power to levy a tax.

[2] Associate Professor of Political Science, Grinnell College, Grinnell, Iowa.

not this be true, no one has ever yet worked out the theoretical relationship in practical terms.

During the period from 1890 to 1923, population has increased from 164,700 to approximately 410,000 or 149 per cent. The tax rate for city purposes only has increased from 14.4 mills to 58.7 mills or an increase of 44.3 mills. This represents an increase of 307.6 per cent. The tax rate for all purposes, that is, city, county and state, has increased from 19.3 mills to 74.3 —an increase of 55 mills or percentage increase of 284.9. It will thus appear that the rate of taxation within the city has increased more rapidly than that of the total rate for all purposes.

The bonded debt of the city has increased from $7,457,000 in 1890 to a little more than $50,000,000 at the close of 1923. This is an increase of almost $42,600,000 or 569.6 per cent. The assessed valuation of property, has changed from $135,811,000 in 1890 to $278,900,000 in 1923. This is an increase of $143,000,000 or 105.3 per cent.

Thus it will be seen that the factors that have been increasing at the nearest direct ratio are population and valuation. The former increased 149 per cent and the valuation 105 per cent. In the meantime, public services of all kinds have multiplied at such a rapid rate that the demands of the citizens have far outstripped the ability of property to keep pace in increased value in order to produce the revenue necessary to pay the costs of governmental activities.

Another fact of special interest is the relationship between tax rate and debt. The increase from 1890 to 1923 in tax rate for city purposes was 307.6 per cent; over the same period the increase in gross bonded debt was 569.6 per cent. This means that the debt of the city increased one and one-half times faster than the tax rate. The natural question to ask is the reason for this increase. The answer is, that activities that citizens believe are needed have increased so fast, both in number and in cost of development and operation, that it has become necessary to resort to long-time borrowing rather than to pay out-of-hand. It means school buildings, play grounds, parks, perhaps more than any other public service but it also means pavements, sewers, grading of streets, bridges, hospitals and similar institutions.

One thing more, it means that Minneapolis must face seriously in the near future the question of how far it can continue to widen the ratio between valuation, tax rate and bonded debt before it will decide to change its policy from long time borrowing to pay-as-you-go.

⁂

New Los Angeles Charter Carries.—The Los Angeles city charter, which was commented on in the March Review, was overwhelmingly carried at the election on May 6. 126,031 voted yes, and 19,403 voted no. At the same election 88,328 voted for the alternative district representation feature of the charter and 53,008 voted against it. It will be seen, therefore, that probably a majority of those who voted for the charter voted for a return in Los Angeles to a modified ward plan of representation in the city council. The city council ruled that the election-at-large feature of the charter carried along with the charter because it received more votes than the alternative provision. The District Representation League which has for some years been asking for a return to the ward plan, will contest this decision in the courts.

Most of the voters in Los Angeles are pleased by the results of the charter election because the new instrument is without question superior to the old one. There was little disposition on the part of the electorate to defeat the charter because it did not give everything that had been asked for at the meetings of the board of freeholders.

⁂

City County Consolidation Defeated in Butte.—The referendum upon the consolidation of Butte (Montana) and Silver Bow County under a charter by Dr. A. R. Hatton was defeated at the special election in May by about 600 votes. Our readers are familiar with the charter which provides for a city-county manager and which was passed by the legislature in accordance with a constitutional amendment authorizing city-county consolidation.

Until shortly before the election, there was every appearance that the charter would be accepted by the people. In the last few weeks, however, the politicians got in their hard work and were victorious in an election featured by much repeating. The machine which had full control of the election machinery seems to have voted at least a thousand ringers, and the attorney general has started an investigation which will probably send some persons to the penitentiary. Those who worked for consolidation are convinced that clean and efficient government is needed more than they realized when they started out.

⁂

A Correction.—In the table on Page 209 of the April Review it was stated that the state agency administering the state gasoline tax in California is the State Tax Commission. It was erroneously stated. This tax is administered by the State Board of Equalization.

CITY MANAGERSHIP
AS
A PROFESSION

By
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The qualifications, training, tenure, salary, promotion and public relationships of the city manager

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Supplement to the
NATIONAL MUNICIPAL REVIEW
July, 1924 Vol. XIII, No. 7

Published by
NATIONAL MUNICIPAL LEAGUE
261 Broadway, New York

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CITY MANAGERSHIP AS A PROFESSION[1]

I

INTRODUCTION

"MAN WANTED" is one of the titles of an article on Cleveland's new charter we find in *Collier's* for May 27, 1922, and there is meaning in those words. They show that Cleveland's problem did not end with the adoption of the city manager plan. For city manager government is government by city manager; and while the attitude displayed toward him and the respect in which he is held may depend also upon considerations of quite another nature, it is nevertheless true that, in so far as pure working results are concerned, the city manager himself will determine on which side, the good or the evil, the scales will tip. Such being his importance, an analysis of the elements that together constitute the compound "city manager" is likewise significant.

The city managers' claim to the title of "profession" is not weakened by the connotation of numbers contained therein. Statistics compiled to January, 1923, give as their number 304.[2] What makes 304 not unimpressive is that the field is limited to the number of existing cities, that 304 city managers mean 4,884,500 people in manager-governed communities, and that the extremely rapid spread of the city manager plan since 1912, when it was in effect in only two places, is an indication of the promise of the future.

Further, "profession" implies to a greater degree that the men who compose it are men of specialized capabilities, men who have devoted their time and attention to the grasping of a certain branch of knowledge. Government by city manager is an acknowledgment, then, of the need of specialization in government. Was this development novel? Yes and no. No, in that municipalities had previously recognized the indispensableness of the specialist in two instances: in the case of the older medical, legal, and teaching professions and in the case of engineering and other such applied sciences. Yes, in that municipalities saw for the first time an equal necessity for the expert in finance, in accounting, and in general administration.

But if the expert is a prerequisite to the proper superintendence of municipal business and the proper functioning of municipal machinery, so is the layman. Public opinion needs an organ through which it can express its desires and hope to have them attentively considered; the administrator, on his part, needs an organ through which he can report the progress of his administration and have it interpreted for the benefit of his charges. However, much insistence upon the first of these two necessities for its appreciation by

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[1] The writer is much indebted to Prof. A. C. Hanford of the Department of Government of Harvard University for the many valuable suggestions made when the thesis on which this article is based was prepared.

[2] These and other statistics following, unless it is otherwise stated, are taken from the *Yearbook* of the City Managers' Association for the appropriate year. Hereafter, the publication is referred to as the *Yearbook;* its official title for the years 1914–1917 is *Proceedings of the City Managers' Association.*

American citizens, at least in its elemental sense, is happily unnecessary. The result has been that our cities have overemphasized the lay element in government at the expense of the professional.

And as to the relation that should subsist between the two, American cities need not go beyond their own experience. It is the relation that the school superintendent bears to the school committee in the average American city, an illustration that derives further significance from the uniqueness of our school departments in having been seldom condemned for inefficiency. As President Lowell has said, the business of the layman is to see that the expert does the work properly.

II

NON-TECHNICAL QUALIFICATIONS

Qualifications Prescribed in Charters

What should this expert be in order that he may perform his work properly? It will conduce to a clearer understanding of the subject if we consider, first, the qualifications prescribed in city manager charters and, second, the qualifications which have more to do with personal qualities, which are not usually expressed in terms of charter requirements nor can be.

In an effort directly to get at the prevailing practice, abstracts of 167 representative charters[3] were inspected. By way of qualifications, 50 charters provide merely that the manager need not be a resident of the city when appointed; 23 mention no qualifications whatsoever; 17 allow him to be a nonresident but stipulate that he shall have no interest in municipal contracts; 11, besides having the non-residence clause, require that he be competent; 10 only forbid any interest in municipal contracts; and 7, besides having the non-residence provision, command that in the selection of the manager political beliefs shall not be considered. The other qualification sections are variously constituted.

Table 1 lists the number of times each of the several requirements is mentioned.

Table 1

Qualifications in 167 Charters Classified as to Individual Requirements

Need not be resident of city		159
Residence not mentioned as necessary	86	
Residence expressly declared unnecessary	70	
Residence in city preferred	2	
Residence expressly declared a disqualification	1	
	159	
No interest in municipal contracts		34
Competence or words to that effect		26
Engineer necessary	4	
Engineer preferred	3	
Man experienced as manager preferred	2	
Political beliefs not to be considered		13
American citizenship		11
Age limit (varying from 21 to 30 years of age)		6
Business and executive ability		4
Need not be resident of the state		4
Not in default to city		4
Sound discretion and good moral character		3
Not related to any councilman		3
Male		3
Religious opinions not to be considered		2
Not to be a member of the council		2

---

[3] As given in R. T. Crane, *Digest of City Manager Charters*, published by the National Municipal League (New York, 1923).

Residence in state for 12 months	2
Right to vote in city when appointed	2
Residence in city when appointed	2
Administrative head	1
Knowledge of preparation of the budget	1
Executive ability	1
Good moral character	1

PREREQUISITE OF LOCAL RESIDENCE ABSENT

It is gratifying to note the absence of provisions laying down local residence as a prerequisite and the presence of words allowing the absence of that qualification. Considered in the light of the traditional prejudices of American cities, no better proof can be found of the good intentions of the 159 municipalities so providing; likewise, no better recognition can be wanted of the absolute value of an organic feature of government than the fact of its approximate universality among American cities. Any other rule of conduct, besides resulting in disastrous consequences, would be a flat and open contradiction of the very principle upon which government by city manager professes to proceed.[4]

We cannot consistently say, on the one hand, that we are to entrust the administration of our public affairs to the hands of qualified experts, and, on the other, that in the selection of the aforesaid qualified experts we shall restrict ourselves to persons living within narrow geographical limits. Even beyond this the unprejudiced thinker will observe that a local man will be hindered in the prosecution of any vigorous and independent program that at the same time is unpleasant by the partiality of his ties to the city's people, that pressure is more likely to be brought to bear upon him and he is more likely to be unduly influenced in the granting of contracts and the employment of officials and employees, and that he will be deficient in that adaptability under changing conditions and that crop of ideas which only an inter-city experience can create. It is also to be observed that a very short time will suffice to supply a competent executive with all the knowledge of local conditions it may be within his province to require.[5]

As to the actual practice among the cities, one cannot be so confident. The city managers' *Yearbook* for 1919 reports[6] that of 109 city managers till then appointed, 35 per cent were non-residents. Consider that proportion large or small, as you will; yet it is not encouraging that the appointment of resident persons is becoming increasingly common,[7] and that it has been said in two different places[8] that have come to the attention of the writer that it is the custom of cities first to appoint as city manager a non-resident and then select his successors, for whatever reason necessary, from residents. This tendency, however, may

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[4] Excelsior Springs, Mo., and Ranger, Texas, require local residence; Phoenix, Ariz., and Wheeling, W. Va., the right to vote in local elections.

[5] See *National Municipal Review*, IX, 142; E. A. Fitzpatrick, *Experts in City Government* (N. Y., 1919), ch. xi; and H. A. Toulmin, Jr., *The City Manager* (N. Y., 1915), p. 77.

[6] Page 164.

[7] Fifth *Yearbook*, pp. 174–175.

[8] *National Municipal Review*, IX, 110; and Mr. L. D. Upson, Director of the Detroit Bureau of Governmental Research, in a letter (March 19, 1923) to the writer:

"It has been my experience that the city usually hires its first manager from out of town and its following managers locally. However, I am not pessimistic about the situation. A lot of changes in public attitude may occur in the next twenty years. . . ."

City Manager Koiner of Pasadena, Cal., writes (March, 1923):

"In most cities, there is resentment against going outside the city for the city manager."

TABLE 2

Presenting Results of 15 Questionnaires of March 8, 1923, Concerning City Managership as a Profession

City Manager City Population	What qualifications are desirable for a manager?	What kind of experience is most valuable?	Is promotional opportunity attractive?	Is salary attractive?	Would you, as city manager, appeal directly to the voters on matters of policy, or would you leave that function to the commission?
F. O. Eichelberger Dayton, Ohio 152,559	Personality; executive ability; open-mindedness; leadership; ability to think in fundamentals	Finance; engineering; civic affairs	Yes	Yes	Commission
P. Sharpe Former Manager of Nashville, Tenn. 118,342	Ability as executive in large affairs; knowledge of civic affairs and functions of government; business education and technical education and 10 years' experience for a large city	Actual experience in business in some executive capacity	Yes	Yes	Manager should "keep ear to the ground." Decisions by those responsible to the people
C. E. Ashburner Stockton, Calif. 40,296	Integrity; knowledge of municipal functions; elasticity of judgment	Engineering (construction or other public works); training school not valuable	Yes	Yes	Commission. If manager and commission absolutely opposed, manager should resign
C. W. Koiner Pasadena, Calif. 45,334	Moral character; business executive; knowledge of finance; judge of men; an organizer; knowledge of social questions; truth to principle; ability to do publicity work	Training of engineer combined with business administration	Yes	Yes and No	Commission. Manager must obey commission. People can influence policy through election of commission
C. A. Bingham Lima, Ohio 41,306	Honesty; courtesy; loyalty	Engineering; finance	Yes	No	Commission by *all* means
F. H. Wharton Miami, Fla. 35,000	"Horse sense"; business ability; organizer; loyalty	Engineering; finance; training school not valuable	No	Yes	Commission. Manager should resign if he cannot work with commission
Louis Brownlow Knoxville, Tenn. 77,818	Experience in municipal government; devotion to public service not to be measured by emoluments; interest in community; ability to obtain support from subordinates; political tact and gumption	Actual experience in municipal administration; engineering valuable, but not sufficient, indispensable in small cities; wide training in civic affairs may be best through journalism or university experience	Depends on personality and opportunity	Salaries vary	Commission
L. Haskell Former Manager Auburn, Maine 16,985	A fellow well met; one who does not know how to get mad	General civic affairs; finance; some engineering; general business training	Yes	Yes	Commission

H. D. Herbert Carlisle, Penn. 10,916	Civil engineer with 10 years' experience as a municipal engineer	Engineering; banking; bookkeeping	Yes	Yes	Commission
S. D. Holsinger Former Manager Staunton, Va. 10,617	Executive ability; tact; personality; pleasant disposition	Managerial experience; general knowledge of municipal government	Opportunity should always be open	Salaries none too large	Manager only on the most important matters
J. Collier Former Manager Beaufort, S. C. 2831	Business ability; tact; aggressiveness	Business; knowledge of municipal affairs; managerial experience	No	Yes	Commission
F. L. Jenkins Portland, Mich. 1899	Organizer; some ability as an engineer	Engineering	No	Yes	Manager, if an important matter for good of community and the commission refuses to act
R. B. Stone Former Manager Blackstone, Va. 1381	Good judgment; solid horsesense	General civic and training school experience	Yes	No	Commission
H. M. Waite Former Manager Dayton, Ohio	Executive	Small cities, engineer, otherwise no particular education necessary	Yes	Yes	City managers should not appeal to voters. They are administrators only. The commission is the policy designing board
L. D. Upson Director of Detroit Bureau of Governmental Research	Executive ability; tact	Engineering for small cities and villages; for large cities, broad experience in public affairs plus inherent qualifications	Yes	Yes, at present	Not the manager. This is the greatest present weakness of the manager plan

be slightly discounted by considering it in part a manifestation of the success of city managers in developing understudies within their organizations.[9]

LEGAL QUALIFICATIONS SIMPLE

As for the other enumerations of Table 1, an examination of the list will be of more benefit than any general dissertation that may be presented here. For the most part, they consist of requirements that are so recognized as attendant upon public office that any self-esteeming commission will not fail to regard them when making selections,[10] or of requirements that may not be so recognized in practice but are almost universally understood as belonging with those that are,[11] or of requirements that are so unimportant that their absence will not make an otherwise qualified candidate unsuited for the position.[12]

The prevalence of qualifications that are simple; the fact that about one-half of the 167 charters stipulate but one, whatever that might be; the apparent indifference to the extent that 23 make mention of no requirements whatever,—all bear testimony to the correct feeling that any attempt to secure a good city manager by setting up rigid, legalistic standards would be ineffectual. Efforts should rather be directed to the election of a capable commission, to the keeping of that body under constant scrutiny, to the establishment of elevated and elevating traditions of office. That only 26 charters provide for the possession on the part of the incumbent of the office of a peculiar fitness, competence, or technical education is especially noteworthy in this regard. All in all, by reason of their lack of prolixity, city manager charters constitute a striking exception to the general run of American public corporation charters.

The value of those provisions requiring or recommending the selection of engineers to the office will be referred to subsequently. What remains now is to determine what features of personality most aid a city manager in the prosecution of his work.

FEATURES OF PERSONALITY REQUIRED

On this uncertain subject, a few summary words are sufficient. The requirements of the city manager's position differ very little in kind, though they may differ much in degree, from those of any other public office. And as to what they are, everybody has an idea, more or less. Careful conclusions cannot be any more certain. Criteria tend to be subjective, personal characteristics are not often consciously acquired or taught, and anyone who has a seriously defective personality is likely to put himself out of the running *ab initio* in any contest for the managerial position. Hence, we shall be brief.

The foregoing table[13] presents the answers given by a number of city managers and others to a series of questions submitted to them. An attempt was made to secure opinions from the managers of cities of various sizes and in various parts of the country. Among other things are disclosed the sentiments of representative city managers on the subject with which we are at present concerned. (See pages 4 and 5.)

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[9] See, for an example, *National Municipal Review*, IX, 110.

[10] *E.g.*, that religious opinions are not to be considered.

[11] *E.g.*, that political opinions are not to be considered.

[12] *E.g.*, age limit.

[13] The source of information as to the population of the cities is Eighth *Yearbook*, pp. 255–261.

Directly following is a tabular presentation of a division of the answers to the questionnaire.

Table 3

Personal Qualifications for the Managerial Position Suggested as Desirable by City Managers

Qualifications	*Number of Times Suggested*
Tact	5
Leadership	4
Personality	3
Good judgment	3
"Horse sense"	2
Loyalty	2
Honesty	2
Courage and firmness	2
Open-mindedness	1
Courtesy	1
Devotion to public service	1
Physical strength	1
Character	1

INDIVIDUAL ESTIMATES VARY

To be frank, the table is in a sense disappointing: the opinions expressed are so diversified that, in themselves, they scarcely permit of welding together to form generalities. Yet such results are only to be expected in the light of the existence of such a reservoir of personal qualities available to be drawn upon, and of the large number of shadings to which they lend themselves, and of dissimilar expressions which individual men might use to express identical thoughts.

In addition to this, all that need be said is that, from an examination of this source and others also close to city managers, such as their *Yearbook*[14] and their articles published elsewhere, it seems that tact is a prime requisite for the adequate fulfillment of the manager's position. In the table preceding, the greatest agreement is found upon that point. Tact in the city manager is particularly gratifying to the city manager because he is confronted with sets of forces propelled by a variety of powers,—his subordinates, the people, and the commission. The possession of tact becomes doubly assuring when the inherent distrust of the expert entertained by American democracy is called to mind. Beyond this, let the manager possess integrity and common sense, and he is of the proper stuff. Not undesirable adornments in particular are an energy that does not dissipate itself in details, an attitude that is not bull-headed, a willingness to co-operate and respect the judgment of others.

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[14] See, *e.g.*, Fifth *Yearbook*, pp. 102 ff., 107, 128–129; Eighth *Yearbook*, pp. 104 ff., pp. 204 ff. See also *National Municipal Review*, XI, 134.

III

TECHNICAL QUALIFICATIONS AND THEIR ACQUISITION; THE TRAINING SCHOOL

Technical Qualifications

The content of the city manager's technical qualifications and the manner of attaining them are controversial subjects. The variations in viewpoint have their origin in an attempt to discover, in the first place, the relative value of theoretical knowledge and experience as a background for the position; secondly, the relative value of each of the branches of knowledge and each of the phases of experience as among themselves; and thirdly, to what extent each of these considerations is applicable with less or greater validity to large cities on the one hand and small cities on the other.

Difficulties are further enhanced by the fact that expositions of views present in the majority of instances a one-sided account, usually one-sided in the direction of the particular writer's own experience. In this connection, it might be timidly pointed out, as not always recognized, that the presence of one qualification that is especially helpful need not imply the absence of another, or that its exponent need not carry the burden of proving it to be sufficient in itself, than which no more is wanted.

THE IDEAL MANAGER

For it is well to note that the ideal city manager would be one of a number of years' standing as such, a man of liberal education, a trained lawyer, a doctor of public health, an investigator into methods of municipal finance, a professor of educational administration, a first-class municipal engineer, an authority upon the methods and principles of public safety administration, a lecturer on the structure of American government, and a man with an outstanding executive and coördinating talent such as can be attained only by considerable contact with the larger business activities. It is also well to note that the series of encyclopedic minds that began with Aristotle ended with Herbert Spencer. The question then is, which of these conditions, or, which of the several possible combinations of them, is to be sought after?

TABLE 4

Training	*Number of Times Suggested*
Engineering	9
Executive or business ability	5
Finance	5
Civic affairs	4
Municipal functions	2
Experience as manager	1
Liberal arts education	1
Training school	1

Table 2 above lists the suggestions as to the manner and extent of training for the position contained in the inquiries already referred to. Table 4 above itemizes these same suggestions.

As to the actual experience of city managers prior to their assumption of office, the Fifth *Yearbook* gives the following, as of 1919:

TABLE 5

Previous Experience of City Managers

Engineers	52	(48%)
Business	32	
Public utilities	7	
Accounting and clerical	7	
Public works	4	
Chamber of Commerce	3	
Newspaper	2	

TABLE 6

Previous Public Service

Engineering and utilities	50	
Finance and clerical	16	
Elective offices	9	
Public safety	4	
Public welfare	3	
	82	(77%)

We shall all admit that every city manager had better be qualified to some extent in every one of the fields municipally important. Furthermore, the best opinion seems to hold that in small cities, say those of 20,000 or less, the city manager should by all means be one trained in engineering for the reason that cities of that size may gain most in salary savings and efficiency when the same man is at once the chief executive and city engineer, engineering projects playing the large part that they do in expenditures and other functions being correspondingly less important.[15] It might be added that when we speak of engineering, we refer to municipal engineering.

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[15] In support of this view, see *National Municipal Review*, VII, 108–9; a pamphlet prepared by City Manager Kenyon Riddle, *The City Manager and City Engineer-Manager; American City*, IX, 523–5; 1916 *Yearbook*, p. 55; and a printed paper by W. A. Bassett, *Training Engineers as City Managers*, placed in the writer's hands by the National Institute of Public Administration.

Table 2, Table 5, and Table 6, above, all bear us out as to the importance of engineering.

But, as has often been emphasized, the danger of overdoing the value of an engineering training must be guarded against. Especially is this so in the case of the larger cities. For its importance is minimized by the impossibility of the manager's devoting much of his time to the details of administration; by the greater weight attaching to the social program incumbent upon the large city; by the need of personality to facilitate the settlement of the numerous questions that arise from contact with so many people; by the prevailing practice,[16] in even our large cities, of calling upon highly specialized experts for advice in the prosecution of unusually consequential enterprises including those involving engineering; and, most of all, by the absolute necessity of pure executive ability to a very high degree in securing the best out of the employees within the organization, in co-ordinating the multifarious activities of the city departments, and in the deciding of heavy questions and the handling of large funds that governing the modern city entails.[17]

EXECUTIVE ABILITY FIRST

In other words, executive ability is the *sine qua non* of efficient city managing. And in the larger cities it clearly overshadows in importance the training of an engineer. That this is so recognized at the present time among city managers, the references we have given will well testify. We have already allowed the consequence of a knowledge of municipal engineering; with the expenditures committed for the support of public education eliminated, since the schools are separately administered in most American cities, by far the greatest single fund is spent in the pursuance of tasks over which a municipally trained engineer is usually put. But an engineering capacity alone will not do the trick. It was early accepted, even in American cities, that the larger engineering undertakings required professional administrators, and non-manager cities have experts direct their functions of that nature. But the aim of government by city manager is the introduction of the use of the expert into hitherto foreign fields; and in so far as it focuses its attention upon securing the appointment of city managers solely for their capacity as city engineers, it will defeat its very purpose. The value of the city manager plan is to be found in putting experts "where they ain't."

Hardly less desirable than mechanical knowledge is an understanding of the financial methods to be employed by public corporations. American municipalities have been noticeably lax in this important department. After all is said and done, it avails the manager nothing if, for example, he save his dollars in running the water works and lose them in collecting the rates. Table 6 above cites sixteen managers who secured experience in the public service in the department classed "finance and clerical," not an especially imposing number if it includes all those, as perhaps it does not, who are versed in public finance. Table 5 notes five managers who expressly stipulate "finance" among the qualifications.

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[16] See Seventh *Yearbook*, p. 163; *American City*, IX, 523.

[17] See the article by W. A. Bassett, referred to in note 15; *National Municipal Review*, VII, 108–9 and 511–2; 1914 *Yearbook*, pp. 4–5; T. Chang, *Commission and City Manager Plans*, in University of Iowa Monographs, vol. VI in *Studies in the Social Sciences*, pp. 223–224; and Table 4, above.

One other field, not always so regarded, in which the city manager may profitably show a certain pre-eminence is the legal field. The frequency with which cities find themselves in legal difficulties, or with which they find their problems to present legal or statutory intricacies, makes the city manager with a knowledge of certain parts of the law much more confident in the performance of his duties than he otherwise would be.[18]

Our conclusion, then, is that primacy in the scale of qualifications is due executive ability, the intangible something that is gained from contact with men and affairs. Next in value is a knowledge of engineering and of financial methods. And a familiarity with the law is far from unprofitable.

How Qualifications Are Acquired

But with the city manager considered in the dynamic state, the question arises: How should he prepare himself for his part? The controversial point here is mainly as regards the conflict between the advocates of experience gained in the field and of technical knowledge got in the school.

But, in reality, there is no need for that conflict. For does it not seem that the bird's-eye view of municipal government and administration in all its fields, which we mentioned as a prerequisite, can best be secured in the school with the least expenditure of time and the production of most adequate results? And is it not apparent that the executive and administrative ability, so essential, is a native quality which can be created by neither the training school nor the city, but can be nurtured in the city and not in the training school? Is it not true that the more highly specialized equipment necessary, for it is advisable that the city manager be expert in one particular line at least, is securable only in actual practice? If you ask why not the advanced training schools, the answer is that the method employed by those schools, in accordance with which the students devote much if not most of their time to field work, is one that provides practice more than theory, and thus differs from the other alternative in form rather than in substance. So that after all, sober thinking seems to dictate that what is needed is a happy medium between the school and the world.

This question, together with that of what field the city manager should be particularly qualified in, is important now and has been more important than it now is, because the problem of recent years has been centered around the manner of converting men who had already chosen their life work into holders of the managerial position and of doing it rapidly enough to meet the increasing demand. Naturally, the problem arising took the form of an attempt to determine what existing profession would supply the best clay for moulding. Then came the answers: engineering, finance, business, and so on. In years to come, the inquiry will not be, "Who can make the best city manager?" but rather will it be, "What need a man who has all the presupposed qualities perfect himself in to become a suitable city manager?" since men who are now choosing their professions will do so in the light of the existence of the new profession of city managing, and, accordingly, a certain number will choose that profession, conditions in other respects being equal.

EXPERIENCE IMPORTANT FOR LARGER CITIES

The course here suggested, by which the candidate will gain his early knowledge in the proper training school, secure a position, minor if need be, in a city or town, and then work up, is nothing but an approximation of what at present occurs in the longer established professions. In the consideration of prospects for the larger cities, the element of experience is of the greater importance. For a small enough community, it is conceivable that the manager be taken directly from the training school. And as to the value of the managerial position in the small city relatively to the value of a departmental headship in a large one in the measurement of preliminary service, that is not of vital importance. The results produced in the person of the candidate by either of these methods constitute the deciding factor.

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[18] Suggested by the present mayor and former city manager of Waltham, Mass., H. F. Beal.

If the procedure outlined is once established for the student of city managing, the profession will advance with a regular swing that will automatically solve any perplexing problems that may arise. Training schools, when called upon to arrange a program of studies, will devote to each branch of knowledge attention equal in amount to the importance which they estimate that field bears in relation to the other fields that the manager must enter. And cities will find their task easier when they come to choose their executives, since their search will be for suitable city managers and not for suitable material for city managers. The question of the importance of an engineering experience will not then arise.

Former Director Maxey of the New York Training School for Public Service (now the National Institute of Public Administration) has pointed out the need of the training school to prevent the sacrifice of public funds in the mistakes of officials who use cities as laboratories.[19] But agreement is not universal on the imposing value of training schools. No less a personage than City Manager Ashburner made a not infrequently met statement when he said in a letter to the writer (March, 1923): "I have little confidence in training schools for city managers, except so far as the man who is peculiarly adapted for the position may study special lines." And Table 4 above recites but one recommendation for them. Perhaps part of the opposition may be explained away by the lack of acquaintance as yet possessed by managers with training schools,—why, we have already noted. However that may be, the actual worth of training schools can be estimated only by results which have not yet had time to work themselves out. In accordance with our own postulates, the manager must superimpose upon the training secured in the school the experience gained in the world; and until he has had an opportunity to do that, he cannot hope to gain distinction.

ENGINEERS POPULAR

A survey of the living profession made in 1919 bears out the popularity of engineers.[20] The next largest group of city managers, and a considerable one, came from the business world, a fact indicative of the value of executive ability and the efficacy of business experience in supplying it. The weight of experience in the public service is strikingly illustrated by the 1919 figures showing that 77 per cent of the managers had that qualification.[21] And it is important that it be added that no single field can justly claim to be the exclusive source of the most successful city managers.[22]

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[19] *National Municipal Review*, IX, 142.

[20] See Tables 5 and 6 above.

[21] See Table 6 above.

[22] The history of individual managers may be traced in the Fifth *Yearbook*, pp. 169–175.

Training schools do not play a large part in the 1919 report; but the work that they can do is well illustrated by at least two graduates, City Managers Cotton[23] and Otis,[24] both of whom took the course in municipal administration at the University of Michigan and both of whom can boast of considerable success since. As to the extent of the use of training schools, it is difficult to say because of the lack of centralized information. Schools are scattered; and, in addition, men are undoubtedly studying related fields in schools that do not denominate themselves training schools for city managers. But an index of what is being done may be found in the activities of the National Institute of Public Administration, in New York. Since its establishment under another name in 1911, 400 members have participated in their general course in public administration, and in the last three years, during which time the object of the course has been primarily to train for the managerial position, the average has been ten students per year.[25] The number is not small when the existence of other schools is taken into consideration, as well as the annual rate of increase in city manager cities.

As to the methods employed by training schools, the significant features are the extent to which actual field work is prescribed and the degree of coöperation of training schools with city governments and bureaus of municipal research. Each of these features supports the other.[26]

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[23] *National Municipal Review*, IX, 110.

[24] *Ibid.*, VI, 607.

[25] From a letter of March 19, 1923, from the Institute.

[26] For an example, see the 1922–23 *Announcement of Courses for the National Institute of Public Administration*, pp. 5–10.

IV

TENURE

But neither training nor experience will make worth-while city executives of men who have no other qualification to become such than their desire. A precondition of a respected profession is that competitors for entrance into its ranks be talented and desirable persons. Though not especially novel, this fact derives its significance from its relation to the universally experienced truth that men of calibre will not be attracted to the public service unless conditions of employment there encountered compare favorably with those in private employment. The obstacles to a public career resolve themselves into four: uncertainty of tenure, inadequate compensation, poor prospects for advancement and promotion, and presence of a political atmosphere. City managers are, it may be said, in decidedly more pleasant circumstances in these four respects than other public servants have been customarily. But to say that alone is not to say enough.

One must defer his judgment as to security of tenure. Records to May 15, 1919, concerning the length of service of city managers are:[27]

TABLE 7

Over 4 years	18
2 to 4 years	26
1 to 2 years	39
Under 1 year	45
	128

Further, "An examination of the records shows that of the 124 cities now claiming some variety of city-manager government only 48 are still retaining the services of the men first appointed to the managerial position. Of these 48, 31 have served less than two years, 4 served from two to three years, 6 from three to four years, 4 from four to five years, and only three over five years."[28]

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[27] Fifth *Yearbook*, p. 163.

SHIFTING NATURAL IN A NEW PROFESSION

These statistics are somewhat antiquated, and, no doubt, statistics more recently compiled would show larger totals in the upper classes. But it is not for that reason that we advocate a deferment of judgment. It is because the profession being as new as it is, there has been a considerable shifting of managers that will not occur when it becomes more firmly established. Yet it is evident from an examination of the table that it is not likely that trouble is to be found on this score, for there is, besides the possibility, the actuality of improvement over the conditions formerly obtaining in the public service. Many of the changes that have taken place have been entailed by promotions, a feature which is itself desirable. Further, security in office must not be overdone or it will produce unwelcome results in the form of sterility in office. All in all, as we say, there is not likely to be dissatisfaction from this source working in abstraction from other causes, for usually there is a wholesome absence of political considerations in appointments, and charter requirements providing for indeterminate tenure prevail. By the mere provision of the proper environment, the step taken is long and forward.

It might be added that of the 229 who were appointed to 1919, 101 had abandoned the field at that time.[29] In this regard, it has been said:[30] "As to city managers, the 'mortality rate' continues fairly high. The three contributing causes seem to be: the rapidity of the promotion to larger cities, the eagerness with which business corporations tempt successful managers into private enterprise, the ease with which misfit managers may be released." A fourth cause during the war was enlistment in government service.

V

SALARY

As to salaries paid, here are the facts:

Table 8[31]

1922 Salaries

$10,000 and over	10
7,500–10,000	8
5,000– 7,500	43
3,000– 5,000	88
2,000– 3,000	49
1,000– 2,000	28
Under 1,000	1
Minimum	$600
Maximum	$12,000

ENGINEERS' AND MANAGERS' SALARIES COMPARED

Their adequacy is likely to be much a matter of individual opinion. Compared with salaries usually to be found in the government service, they are undoubtedly high; though within striking distance of them, they are perhaps somewhat inferior when compared with salaries paid in private business. Direct comparisons of the latter sort are difficult to make because of the lack of suitable criteria resulting from discrepancies in administrative responsibilities attaching to the respective positions: it is impossible to find a private position corresponding exactly to that of the city manager. But because of the large proportion of engineer managers, it might be profitable to know that an engineering firm[32] of national interests pays the following salaries:

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[28] H. G. Otis, in *Experts in City Government* (N. Y., 1919). E. A. Fitzpatrick, ed.; Appendix, p. 345.

[29] Fifth *Yearbook*, p. 162.

[30] *National Municipal Review*, IX, 55 (Jan., 1920).

[31] Compiled from Eighth *Yearbook*, pp. 255–261.

TABLE 9

Junior Engineers......	$2,700–$4,200 per year
Senior Engineers......	4,200– 7,200 per year
Directing Heads......	9,000–20,000 per year

It is not unlikely, according to the description of the requirements for each office, that a man capable of holding the managerial position in a moderate sized or larger city could be classed with the "Directing Heads," in which event it can be seen that municipal salaries are none too high.

A book[33] published in 1922 gives the following as a result of 6,378 replies to questions sent out by the American Society of Civil Engineers in 1913:

TABLE 10

	Average	*Maximum*
After one year experience ..	$1,187	$2,000
After two years..........	....	5,000
After five years..........	1,935	12,000
After eighteen years	5,181	150,000
Average of 4,529 graduates of technical schools..........................		$3,982
Average of 1,829 non-graduates		3,993

If it is assumed that compensation in that profession has kept pace with living costs, and that can safely be done, these figures may be multiplied by 1.41[34] to give them a present meaning. It is at least fair to say that American municipalities have not been over-generous.

Consultation of Table 13 below will, however, show that the salaries paid are not despicable, especially in so far as the small cities are concerned. The table, and it is intended to embrace representative cities, also shows that the salaries by no means always vary directly with the size of the city.

PREJUDICE AGAINST HIGH SALARIES

But the American feeling against large salaries in the higher range of offices has not been entirely obliterated, even though it is treacherous. Its strength is indicated by the common spectacle of oscillatory proceedings, as in Phoenix, Wichita, Jackson, Dayton, during which originally high salaries have been eventually lowered and to a considerable extent. The adoption of such a policy is not to be recommended in the light of what we already have seen to be the compensation in private business.

Yet opinion seems to hold in high regard the prevailing salary schedule. The *Municipal Journal*,[35] of engineering interests, considered the salaries in March, 1918, "fairly high," all things considered. To observe the general agreement of even the managers themselves in this respect, review Table 2. The difficulty will come with the maintenance of high standards when once established. If our community leaders succeed in doing that (as they have not done in some cases and have in others), conditions will not be intolerable. For as long as municipalities keep within striking distance of private practice, the dignity that attaches to public office will serve effectually to compensate for any deficiency, provided the deficiency be reasonable and provided that conditions be otherwise satisfactory.

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[32] Stone and Webster, Inc., from figures secured at the Boston office. Junior engineers work under those of the senior grade and are given full responsibility only in tasks of a minor nature; senior engineers take charge of the construction of large plants, etc.; the directing heads direct operations from the office.

[33] G. F. Swain, *The Young Man and Civil Engineering* (N. Y., 1922), p. 185.

[34] See below, note 40.

[35] Vol. 44, pp. 258–262 (New York).

VI

ADVANCEMENT AND PROMOTION

The one proviso finds its expression in the need for a waking up on the part of those municipalities that are still asleep and the assumption of the proper attitude by new manager cities. The other finds its expression first in the need for a correspondence of salary and economic conditions. The range of salaries since 1917 is this:[36]

TABLE 11

	1917	1919	1922
$5,000 or over	10	19	61
	12.5%	17.1%	26.9%
3,000–5,000	13	30	88
	16.3%	27 %	38.8%
2,000–3,000	21	23	49
	26.2%	20.7%	21.6%
Under 2,000	36	39	29
	45 %	35.1%	12.7%

That our cities have honestly attempted to meet the first need is strikingly shown by these figures. The two upper classes consistently and considerably increased at the expense of the two lower both in numbers and in proportions. That this improvement is due more to the entrance into the field of new cities than to any systematic increases in salary granted by the old is suggested by the statistics given below in Table 13.

One might then perhaps say that the trend towards larger salaries can be discounted because the newly arising manager cities are of larger than average size, and hence the increase in the number of higher salaries. The facts, however, belie this assertion. The most marked improvement came between 1919 and 1922. Yet during these years, the sizes of the city manager cities were:[37]

TABLE 12

	1919	1920	1921
50,000 and over	14	15	17
20,000–50,000	17	23	30
10,000–20,000	31	32	37
5,000–10,000	35	57	61
Under 5,000	43	53	94
	140	180	239

It can readily be seen that in contradistinction to that of the salaries, the increase in the number of cities was most marked among those of the lower and especially the lowest classes. In general, then, the induction to be drawn is that newly created manager cities follow the right path, at least in the first instance.

ADVANCEMENT

The second proviso finds its expression in the need of systematic salary advancement. Correspondence of salary with economic conditions, and correspondence of reward and merit are the two phases of the subject; but the shortness of the period under observation compels us to treat them in unison.

Following is a schedule for the years shown of twenty cities, chosen indis-

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[36] Computed from Fourth *Yearbook*, pp. 126, 128; Fifth *Yearbook*, p. 164; Eighth *Yearbook*, pp. 255–261.

[37] Fifth *Yearbook*, p. 162; Sixth *Yearbook*, p. 6; Seventh *Yearbook*, p. 4.

TABLE 13[38]

Table of Salary Schedules for 20 Representative Cities, 1916–1922

City	Population	1916	1918	1919	1920	1921	1922
Norwood, Mass.	12,627	$3,000	$3,000	$3,300	$4,000	$4,000	$4,500
Niagara Falls, N. Y.	50,760	5,000	5,000	5,000	6,000	6,000	6,000
Staunton, Va.	10,617	1,800	1,800	2,000	2,000	2,000	2,000
High Point, N. C.	14,302	2,500	2,700	(2,850)	3,000	3,000	3,000
St. Augustine, Fla.	16,192	3,600	(3,600)	3,600	3,600	3,600	3,600
Ashtabula, Ohio	23,000	2,500	2,500	3,000	3,500	3,500	3,500
Dayton, Ohio	152,559	12,500	7,500	7,500	7,500	(7,500)	(7,500)
Alpena, Mich.	11,110	2,500	(2,150)	1,800	4,000	4,000	4,000
Grand Rapids, Mich.	137,634	10,000	4,000	5,000	5,000	6,000	6,000
Jackson, Mich.	48,374	6,000	4,000	4,000	4,000	3,600	3,600
Morris, Minn.	2,320	1,700	1,800	1,890	1,800	1,800	1,800
Wichita, Kansas	72,217	10,000	10,000	10,000	10,000	6,000	6,000
Amarillo, Texas	15,494	3,000	(2,750)	2,500	2,900	2,900	2,900
Denton, Texas	7,626	2,000	2,000	2,000	2,000	2,000	2,000
Durango, Colo.	4,416	1,800	1,800	1,800	1,800	1,800	1,800
Alhambra, Calif.	9,096	2,400	2,000	2,500	2,700	3,300	5,000
San Diego, Calif.	74,683	6,000	6,000	6,000	4,000	4,500	5,400
San Jose, Calif.	39,604	6,000	6,000	6,000	6,000	3,600	3,600
Bakersfield, Calif.	18,638	3,000	3,000	(3,500)	4,000	4,000	4,000
Phoenix, Ariz.	29,052	5,000	5,000	5,000	5,000	7,500	6,000
Average (20 cities)		$4,815	$3,830	$3,958	$4,140	$4,030	$4,110

TABLE 14

Table Showing Trend of Manager Salaries in Comparison with Advances in Price of Food, 1916–1922

	1916	1917	1918	1919	1920	1921	1922
Salary Schedule[39]	100	....	79.5	82.2	85.9	83.7	85.4
Price Index[40]	100	128.1	147.4	163.1	178.1	134.2	123.7

[38] Statistics taken from *Yearbooks* for each year. Population is that of 1922. Figures in parentheses denote that salaries for that year are not given and that the median of the salaries paid in the year previous and the year after is here used in order not to upset calculations. Salaries for 1917 are not accessible in *Yearbooks*.

[39] The average salary schedule for the years noted is, as shown in Table 13, $4,815, ——, $3,830, $3,958, $4,140, $4,030, $4,110.

[40] On the basis of *Monthly Labor Review* of the United States Bureau of Statistics, Vol. XVI, No. 1 (Jan., 1923), p. 46, Table 4: "Index Numbers Showing Changes in the Retail Prices of the Principal Articles of Food in the U. S.," 1907 to Nov., 1922. 100 denotes the average for the year 1913. For the years noted, the figures are 114, 146, 168, 186, 203, 153, 141. With the valuable assistance of Mr. Gerald G. Dolphin of Harvard College, these index numbers were rearranged so as to conform to 1916 as the base (=100) and gave the results listed above.

criminately except for size and geographical location. They are intended to be typical. The series was begun with 1916 because it was not till then that the *Yearbooks* of the City Managers' Association began to publish lists of managers and their salaries systematically.

SALARIES AND LIVING COSTS

Table 14 attempts to show the correspondence between the salaries in the twenty cities listed in Table 13 and changes in the price of food during the years 1916–1922. In one row is indicated the trend of manager salaries classed under "Average" in Table 13; in the other, the trend of food prices. In both cases, the figures are so translated that the sum of 100 is equivalent to the state of salaries and prices in 1916. That is, 100 as to salaries, stands for $4,815; as to prices, it is the index number for 1916.

VII

THE MANAGER AND THE COMMISSION

The comparison in this last table is manifestly an unfair one as a consequence of the irregularity in the salary changes. Their abruptness indicates that a settled policy has not been agreed upon, and the oscillations are ascribable to changes in the steps of the policy, in many cases entailed by a change in the calibre of the man newly appointed to the position and the city's recognition thereof, rather than to any attempt to correspond to living costs or even to reward a faithful incumbent of the office. In this connection, review the records of Grand Rapids and Wichita in Table 13.

But it is obvious from the tables that the cities as a whole have no scientific system of salary advancement, though such a feature is highly necessary for a contented and efficient personnel. Yet, that some make an attempt to reward a promising manager and at the same time compensate for increasing living costs, is shown by the action of Norwood, for example. There are other such examples in the table. On the other hand, the history of Staunton is not an encouraging one, the same manager having been in control during those years.

However that may be, salary advances are not uncommon. Sixty-eight were recorded up to the middle of 1919,[41] and notices of others are frequently found in the "City Manager Notes" of the *National Municipal Review*. Thus the issue of September, 1920, records nine increases ranging from $300 to $1,000.[42]

PROMOTION

But a more important consideration is the element of promotion. In fact, it might be said that if the promotional opportunity is large enough, the salary can be somewhat below normal.

Tables 2 recites a favorable opinion on the part of city managers. Up to 1919, four promotions to a third city had taken place and fourteen to a second city.[43] But since 1919, the rate has been more rapid. In January, 1920, the number of promotions had reached 25;[44] the September, 1922, addition of four brought the total to 55.[45]

But just as the instability of the managerial position due to its newness precluded the possibility of a certain conclusion as to the tenure of city managers, so likewise is it an obstacle here. There can be no doubt that the frequency of promotions thus far has been outstanding. But the situation is as Dr. L. D. Upson describes it:[46]

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[41] Fifth *Yearbook*, p. 164.

[42] Vol. X, p. 55.

[43] Fifth *Yearbook*, p. 164.

[44] *National Municipal Review*, X, 55.

[45] *Ibid.*, XI, 303.

> At the present time, many managers are moving from city to city because a lot of new cities are swinging over to the plan. However, it has been my experience that the city usually hires its first manager from out of town and its following managers locally. Under these circumstances, the present opportunities for promotion will not always exist.

POLITICS

The fourth possible obstacle to satisfactory public service we said was the presence of a political atmosphere.

If the city manager is to retain his professional status, it is indubitably requisite that he keep himself free from any entanglement with "politics," so called. Not only must the appointment of the manager be on other than political grounds, but his position must be devoid of a political atmosphere in the primary sense that he must be unhampered by political considerations of the sinister sort in the performance of his professional duties. There is no need for elaboration upon this point of warning. It is evident that his fortunes must not be made to depend upon the failure or success of a particular party or upon the support of any group actuated by selfish motives.

There are other considerations, however, also capable of being classed as political, which should govern his actions. Chief among these is a recognition of the place of democracy in American life, involving the recognition of the fact that a contributing cause to the downfall of any manager will be an attempt on his part to prescribe for the citizens of the city under his direction a larger dose of strict efficiency than they can conveniently swallow.[47] Before he commits himself to an undertaking, especially one of major importance, it is essential that he be assured of having public opinion behind him. And the barometer of public opinion is normally to be found in the commission of five, or whatever the number, that is supplied him for that purpose. It is their injunctions that he should obey; not, however, without exerting an influence in his turn, as we shall soon see. The place of the layman and expert in government has been referred to in the early part of this paper. In government by city manager, it is incumbent on the manager that he recognize the layman in the form of the council.

There is no intention here to advocate that a city manager should consider his actions solely in the light of the effects they will produce on public opinion and perform only those which will make more firm the hold he has on his job; nor is there an implication that it is a desirable state of affairs in which an administrator can be efficient only up to a certain extent. But the truth is that experience seems to coincide with the views of those who hold that the measure of the city manager's efficiency should be determined according to the powers of assimilation of the ordinary citizen body.

PUBLIC CONTACT THROUGH THE COMMISSION

And it is the task of the city government to raise this assimilatory power to the maximum level. The means of doing so are to be found in the proper employment of the methods of publicity. For even though democracy is secured, it will not be effective unless publicity makes it so; nor will the publicity be effective unless the commission makes it so. If the city manager is to be an Indian alive in 1930, the populace needs to be convinced that he should be; and for the manufacture of this end, the commission is a more important cog in the machinery than many city commissions and managers have as yet realized. Dr. A. R. Hatton has said:[48] "We can now say with perfect assurance, that the ultimate success of the manager plan depends upon whether it provides, over against its efficient administrative organization, an equally efficient organization for informing the electorate as to what the city government is doing. . . ." It will avail nothing if the manager spends one dollar where two went before and the taxpayers do not know it.

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[46] In personal letter of March 19, 1923, to the writer.

[47] In this regard, see Fifth *Yearbook*, pp. 99, 129; and *National Municipal Review*, V, 195.

Thus far we have confined ourselves to generalities. For concrete instances bearing them out, refer, for example, to the recent experiences of Stratford, Conn., or of Mansfield, Mass., where efficiency in government was construed as misbehavior.[49] Still more instructive developments are to be found in Waltham, Mass. There, in 1922, the voters overthrew the manager charter, reintroduced the mayor and council plan, and then proceeded to elect as mayor the man who had been city manager, Henry F. Beal.

The lesson to be drawn is that voters may be possessed of an uneasy feeling that contact between the government and its people is not intimate enough,—that they may prefer a government so organized that they can, by periodical elections and otherwise, have a direct influence upon the policy of their chief executive. The only other really potent influence conducing to the revolution in Waltham may also be traced to a defection on the part of the manager government. The commissioners, and other proponents of the manager charter, failed to throw sufficient support in favor of it at the proper moment; after the overturn, they did the best possible under the circumstances and secured the election of the city manager to the mayoral position.[50]

In other words, the history of Waltham points a moral as to the place of democracy and publicity in government.

LEADERSHIP

The third necessary element is political leadership. "That must come from the council; it can't come through the city manager. If the city manager becomes the political leader he must rise or fall with the issue he advocates or opposes. Therefore, if we are to get and keep a trained, efficient executive, we must separate him from the legitimate political activities of the city."[51] The question as to how far the city manager should approach actual leadership in his attempt to secure the adoption of his enterprises by the voters has been highly controversial and is one of extreme importance. The disagreement is amply recorded in the reports of proceedings of the City Managers' Association.[52] At the present time, however, the attitude we presented above seems to be the accepted one. It is at least the more proper. Table 2 above impressively relates the present opinions of managers, whatever their statements may have been in the past. Following are the thoughts of one of them upon the subject:[53]

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[48] Eighth *Yearbook*, p. 153.

[49] *National Municipal Review*, XI, 134 ff. (May, 1922).

[50] This account is based on a personal interview had with the former city manager and present mayor of Waltham, Henry F. Beal, and on information gained from other men who have followed the movement closely. Also see *National Municipal Review*, XII, 48. Other causes of the change in charters were the hostile attitude of the largest industrial interest in the city, and the difficulty of the high cost of government during the war.

[51] Dr. Hatton, in Eighth *Yearbook*, p. 154.

[52] See *National Municipal Review*, V, 195 ff. For a later view, see Seventh *Yearbook*, p. 207.

> The council, or board of directors, elected by the people, is the policy forming agency or body. The city manager carries out the policies of the council or board. He cannot run counter to these policies. He can give his advice when requested, but he is supposed to carry out the policies as established by the council or board. If the policies do not suit the community, the people can change their board or council, after which the city manager will carry out the policies of the new board. This is the way it should work.

That is a fair presentation of the case. It indicates the proper relation between layman and expert in government and the manner in which the manager should make his influence felt in the formation of policies. And the more capable the council, the more prone will it be to allow itself to be guided by the expert whom it employs.

There is involved the whole question as to whether the commission is constituted as it should be,—as to numbers, mode of election, mode of action, and so on. All that has been attempted is an indication of the problem. The manager, if he is to retain a continuing existence, must see that his government, and more particularly the council or commission, furnishes democracy, publicity, and leadership. Then it will not be said, as it now is in Dayton, Ohio, that " . . . the three charges against the present administration . . . arise from the three unfilled psychological needs of the citizens, a sense of personal contact, a desire for information and a desire to be intelligently and dramatically led."[54]

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[53] City Manager Koiner of Pasadena, Calif., in a letter to the writer, March 19, 1923.

[54] *National Municipal Review,* XII, 20 (Jan., 1923).

VIII

CONCLUSION

But we end by returning to our beginning. The real mischief in the profession of city managing is not to be found in the qualifications of managers; not in their tenure, salary, or opportunities for promotion. Each one of these presents problems,—problems that are important but not problems that are fundamental when considered in abstraction from all else. For they are only individual expressions of a greater fact,—public opinion of what the city manager is. Therefore, we must, in order to remove the vital snag, dig more deeply than we do by raising the salary and enlarging the promotional opportunity. We must create a popular attitude and establish a plane of behavior that will allow the proper conditions to attach to the city manager's position. That given, the proper conditions will attach. There is a necessary connection between the two; and nothing but time is necessary to set it into operation.

A real, popular desire for the city manager they have has been present in some cases and not in others. Where it has not, censure is due the city commission for the absence; for it is to be secured, not only by faithful performance on the part of the city manager, but by democracy that will content the citizens, by publicity that will inform, and by leadership that will guide them. All three are essential; all three it is particularly within the province of the commission to supply. Have them and the problem is solved; have them not and both problem and city manager disappear.

Finally, it might be said that one cannot read reports of the proceedings of the City Managers' Association or otherwise become intimate with what they have said and done without detecting a commendable sincerity and noble enthusiasm. Not that they are beyond the need of advice. Yet, the expert has begun the work; it is for the layman to carry on.

Editor's Note. A bibliography covering the subject matter of this essay has been prepared by the author, which we are unable to print for lack of space. Typewritten copies will be furnished gratis upon request to the editor.

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NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 8 AUGUST, 1924 TOTAL No. 98

A BOSTON CHARTER REFERENDUM

BY GEORGE H. McCAFFREY

Secretary, Boston Good Government Association

Under a law passed by the Massachusetts legislature, the citizens of Boston will vote in November upon an amendment to their city charter. The amendment relates to the city council, and the voters must decide whether they will return to the old ward representation or will adopt a system of five boroughs, three councilmen to be chosen from each borough. Redrawing of ward boundaries, to be undertaken by a legislative commission, creates an irregular situation. :: ::

THE revision of the Boston city charter which began a year and a half ago has reached the referendum stage. The legislature has adopted the main recommendations of the Charter Revision Commission report made last January except in regard to the manner of electing the city council.

In all but that one provision, the Boston Charter Association and the other civic organizations and public spirited citizens, who defended the general framework of the charter, have won a clear victory. The mayor's term remains at four years instead of being reduced to two. National party designations will not be restored on the ballots at municipal elections. The powers of the official investigating body, the finance commission, are left unchanged. The term of the council is reduced from three years to two and all its members will be elected at once instead of the partial renewal plan now used. The term of the school committee is increased to four years and three and two members will be chosen at alternate biennial elections. All municipal elections will be held on the usual November election day in the odd numbered years so that there will be no conflict with state and national campaigns.

THE CITY COUNCIL

The method of electing the city council proved once more to be the stumbling block to any agreement. As a result of some State House politics, the Boston charter matters were referred to a committee which had not handled them for thirty years and whose personnel was mainly from outside the city. Long hearings were, however, given at which almost everybody joined in condemning the actions, methods and manners of the majority in the present council. The reactionary elements urged a return to a straight ward council. Many of the

Charter Revision Commission wanted a council of fifteen, three members to be elected from each of five boroughs, while the civic organizations and many prominent individuals wanted proportional representation applied either to election at large or from boroughs.

The proportional representation plan made a strong impression upon the committee, but it was felt that it would be impossible to convince the legislature of its desirability until far more members of both houses were acquainted with it. A compromise was, therefore, made with the advocates of a ward council and a referendum provision reported. The form of this referendum was objectionable in that it violated the principles of muncipal home rule. Instead of letting the Boston voters decide first, whether they wanted any change, and second, if they did want a change, whether it should be to the new borough plan or back to the old, discarded ward plan, the bill provided that there must be a change and gave the voters only a choice between the borough and the ward plans. The borough system provides for five boroughs, three councilmen from each borough, and the wards which comprise each borough are named in the act. The ward system provides for one councilman from each ward. As is explained below, the reorganization of the wards, authorized by the legislature in another act, conflicts with the arrangement of wards into boroughs set forth in the charter referendum act.

WARD LINES TO BE CHANGED

Other legislation passed during the session now became an important factor in the desirability of this referendum. The General Laws of Massachusetts require that the ward lines in Boston shall be redrawn in December, 1924, as a preliminary to reapportioning the legal voters into election districts for the legislature. New ward lines have hitherto been drawn by the city council. The coming reapportionment, however, is unusually important because since 1916 there has not only been an exceptionally large shift in population, but women have obtained the suffrage and, even more important, an opinion of the supreme judicial court has changed the accepted definition of a "legal voter" from one who has the necessary legal qualifications to one who is actually a registered voter. The legislature had no confidence whatever in the fairness of the present council majority and, therefore, gave the task of redrawing the ward lines to a commission of its own members who will report next year. They are to divide Boston into not more than thirty-six wards. There are at present twenty-six wards.

NO INTELLIGENT DECISION POSSIBLE

It is obviously impossible for the voters to decide fairly and intelligently in November, 1924, whether they want the borough plan or the ward plan when they cannot know until sometime in 1925 how many new wards there will be, what areas each new ward will cover, and what new wards will be combined into boroughs. The voters in November will decide whether they want a ward council based upon the present ward lines or a borough council based upon the same lines, but only one election will be held from either the present wards or the boroughs based upon them, since the new plan does not become effective until November, 1925, but the new ward lines will be first used in September, 1926. Clearly the decision of many voters will be swayed by their like or dislike for the present wards or the boroughs based upon them, yet those lines are really not the issue.

These criticisms were made to members of the legislature and to Governor Cox. They were urged to postpone the referendum until the new ward lines were established and enact the other changes at once. Unfortunately the bill came up for debate towards the end of the session when the pressure for prorogation was strong and party lines were drawn on it in the senate. This made any amendment difficult and to cap the climax President Donoghue of the council just before the bill came to a vote made some very insulting remarks about legislative interference in Boston affairs. This speech solidified sentiment in favor of the bill which many observers think was just what President Donoghue wanted. It passed the senate unamended on a strict party vote.

The house leaders were impressed by the unfairness of the proposed referendum under the existing circumstances and there were good prospects (until the day before the decisive vote was taken) that this part of the matter would be postponed for a year by their action. Then President Donoghue made another insulting speech which so enraged the house that any opposition was futile and the bill passed with only one minor amendment affecting the school committee. A strong delegation urged the governor to veto the measure or to ask for substantial changes, but he signed it, nevertheless, and a settlement of the question as to how the voters of Boston want to elect their council is as far away as ever. This much is certain, however, that those who favor using proportional representation are encouraged by the progress they have made and will continue their work regardless of whether the borough or the ward plan wins in this strangely deceptive referendum.

MILWAUKEE PROPOSES A BOND BUDGET

BY HAROLD L. HENDERSON
Director, Citizens' Bureau of Milwaukee

The unbusinesslike manner in which bonds are authorized and sold in Milwaukee causes needless expense to the taxpayer. :: ::

THE common council of Milwaukee has instructed the city attorney and city controller to draft a bill, to be submitted to the 1925 legislature, which will provide a bond budget for capital outlays. The proposed law will eliminate a number of wasteful fiscal policies which the present state laws now require public officials to practice.

The practice of selling bonds months and even years before the money is needed for specific projects has cost the city almost $4,000,000 during the last four years. It is estimated that this unnecessary interest and sinking fund charges will amount to $1,150,000 during 1924. There was more than $11,000,000 accumulated from the proceeds of bond issues lying idle in the city treasury on January 1, 1924, over $13,000,000 on the same date in 1923, $7,000,000 in 1922 and $8,000,000 in 1921. Although the controller reported Milwaukee's debt on January 1, 1924, as $29,033,300, the actual net debt was this amount less the unused bond funds or $17,521,317.

LOWER RATE OF INTEREST POSSIBLE

Local bond houses have informed us that if the bonded debt of Milwaukee were $17,521,317 rather than $29,033,300, the interest rate on bonds to be sold during 1924 would be lowered at least .15 of 1 per cent. Such a reduction in the interest rate would save a material amount.

Every year more property is added to the assessment roll which in turn carries its share of bond and tax burdens. Over $137,000,000 worth of property, or 18.9 per cent increase, was added in the last four years, and over 49 per cent in the last ten years. If bonds are issued and then not used, it is evident that this new assessable property coming on to the tax lists will escape its share of the tax burden and yet will receive the service from the project itself.

INTEREST EARNED

City Hall officials have pointed out that a large amount of interest was earned on idle tax and bond funds, therefore resulting in no burden to the taxpayer. We have taken the monthly balances of all idle funds in the city treasury banks and amounts invested in Liberty bonds, paving certificates and extended taxes and divided the total into the amount of interest actually reported as earned by the controller and find that for the year 1920 the average rate of interest earned was 3.26 per cent, 4.35 per cent for 1921, 3.98 per cent for 1922 and 3.87 per cent for 1923. The interest rate paid on bonds sold in the same years has been 5½ per cent for 1920, 6 per cent for 1921, 5 per cent for 1922 and 4½ per cent for 1923. It is apparent from these two statements that the taxpayers are suffering a loss of 1 to 1½ per cent annually on the bond funds, and the contention of the public officials is not borne out.

If we could assume that bond money was deposited in the banks rather than tax money, since we know definitely that the banks paid interest on bank balances in 1920 of 1.77 per cent, 2.32 per cent in 1921, 2.84 per cent in 1922 and 2.55 per cent in 1923, then the loss to the taxpayers for interest on bonds would be still greater, ranging from 2 to 4½ per cent.

DISPOSITION OF INTEREST EARNED

Many strange things are being done with interest money. Interest earned on paving assessments has been carefully accumulated since it was inaugurated seven or eight years ago and amounted to $402,664.08 in 1923. The controller refused to allow anyone to touch this fund until a year ago when a bill was passed, known as the Amortization Fund Law, which placed this accumulated surplus interest money in an amortization fund. The purpose of this law is to build up an amortization fund by placing therein a minimum of 66⅔ per cent of all interest earned on idle funds year after year until there is sufficient to pay off the entire debt. By adopting this plan the taxpayer does not realize that he is being indirectly taxed for this amortization fund. This certainly is in violation of sound public policy.

SINKING FUND CHARGE IS A BURDEN

If we assumed for the sake of argument that the amount of interest earned equalled the amount paid by the city, we should still find the taxpayer burdened with the annual serial or sinking fund charge of 5 per cent of the bonds outstanding because of the practice of selling bonds long before the money is needed. Within the past two years the controller has adopted the policy of delaying the sale of the bonds. The constitution requires that the interest be levied, but by bookkeeping entries this item is offset and is therefore not actually levied. Sinking fund charges, however, must be levied. If we ignore the item of interest, it is perfectly cleart hat the taxpayer has been burdened with this unnecessary sinking fund charge on $10,000,000, amounting to approximately $500,000 annually for the last four years.

THE NEW LAW

The new law to be drafted will cover the following points:

1. *Bond Budget.* Establish a definite budget procedure for all capital expenditures to be financed by bonds. This is often designated as a bond budget; such a budget to authorize specific projects, but only after departments have prepared detail plans and submitted preliminary cost estimates satisfactory to the common council. This would require more careful planning of projects on the part of officials. During the year the common council would issue bonds as they deemed necessary. It is hoped that a five- or ten-year building program will be developed. At the present time the proposed bond issues are placed in the budget without much consideration.

2. *Single Improvement Bond.* Discontinue the present practice of issuing sewer, school and park bonds for specific amounts and for specific purposes, and substitute a general city of Milwaukee improvement bond in amount covering all the projects authorized in the bond budget. That is, if a budget was authorized covering five projects estimated to cost $2,000,000, then general Milwaukee bonds would be authorized for $2,000,000 rather than five separate bond issues. They would not be sold until the treasury was actually short of cash and then the entire lot need not be sold at once. This practice would prevent surpluses from accumulating in special bond accounts, and the present practice of overestimating the cost of the project so as to be sure of necessary funds would be discontinued.

3. *Simplification of Referenda.* Simplify the entire procedure applicable to referendum bonds by requiring the public to pass only on the feasibility of the project with limitations as to the maximum amount to be spent and leaving to the common council all details such as date of issue, length of bonds, date and method of sale, part sale, interest rate, etc. A project approved by the people by referendum would automatically become a part of the bond budget.

4. *Proper Accounting of Interest Earned.* Provide that bond funds and all interest earned on idle bond funds be kept separate from general tax funds and that interest be applied to reduce the cost of bond issues rather than diverted to reduce taxes for operating other city departments.

5. *Issue Paving Notes.* It is evident that the treasury would not have enough money to finance the six year installments on street pavement assessments which are now financed from surplus bond money. It would be a better procedure to finance them by means of notes issued directly for paving purposes. The annual installments paid by the abutting property would pay off the interest and the annual amount then due. Such a change would relieve the taxpayer at large from paying the annual sinking fund charge of 5 per cent on the bridge or school bonds used to finance these paving contracts.

6. *Direct Tax for Amortization Fund.* The greater share of all interest earned has not been used to offset the interest

charges on bonds but has been placed in the amortization fund. Due to this practice many people do not realize that they are being taxed for the amortization fund. A direct mill tax for the amortization fund would be more in line with sound public policy as every citizen could then understand what becomes of his money.

7. *Semi-annual Payment of Taxes.* Under the present financial system of the city an immense amount of tax money is on hand during the early months of each year. If the Federal government can collect the income tax in four installments, it certainly is feasible to collect the city taxes in two installments. This would relieve the taxpayer from financing his tax bill all at one time and would relieve the treasury from carrying large amounts of idle tax funds.

ABOLITION OF THE PERSONNEL CLASSIFICATION BOARD

BY LEWIS MERIAM

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The bill abolishing the federal personnel classification board passed The House, 172 to 26, but failed in the Senate, unanimous consent not being secured to enable a vote on it in the closing days of the session.

UNDER the classification act of 1923, congress fixed the salary levels for positions in the District of Columbia by the establishment of a salary schedule, which divided positions into broad services, such as professional, subprofessional, clerical and custodial, and subdivided each service into a number of grades according to the importance, difficulty, responsibility and value of the work. Congress defined the services and grades in general terms and prescribed a salary range of maximum, minimum and intermediate rates for each grade. To the Personnel Classification Board, consisting of the director of the bureau of the budget, a member of the civil service commission and the chief of the bureau of efficiency, or alternates designated by them, congress delegated the duty of subdividing the grades into classes.

"The term class," according to the act, "means a group of positions to be established under this act sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees and the same schedule of compensation is made to apply with equity."

DUTIES OF THE BOARD

The board was directed to make the necessary rules and regulations for the enforcement of the act and to make such subdivisions of the grades as it might deem necessary. It was specifically directed to prepare and publish: "an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the titles given to said classes."

After consultation with the board and in accordance with a uniform procedure prescribed by it, the head of each department was to allocate all positions in his department in the District of Columbia to their grades in the compensation schedule. The act contained the rules to be followed in fixing the exact rate within the salary range for the grade and these rules recognized that classes would be set up within the grade. The board had authority to review and revise the allocations made by department heads.

. These provisions related only to the District of Columbia. With respect to the field services the act said: "The board shall make a survey of the field services and shall report to Congress at its first regular session following the passage of this act schedules of positions, grades, and salaries for such services, which shall follow the principles and rules of the compensation schedules herein contained in so far as these are applicable to the field services."

The reason for the different treatment of the District of Columbia and the field was that positions in the District of Columbia had been surveyed both by the congressional joint commission on reclassification of salaries and by the bureau of efficiency so that there were adequate data to furnish the basis for developing the salary schedule set up in the act. The field services had not been surveyed and consequently no proper schedules could be provided in the act. The most that could be done scientifically was to require a survey and prescribe the general principles to be followed in setting up a salary schedule.

The representative of the bureau of efficiency on the classification board took the position that the requirements of the act regarding the establishment of classes and the publication of class specifications could be postponed until after the department heads had allocated positions to grades and fixed salaries in accordance with the rules laid down in the act, despite the fact that these rules mentioned classes, thereby evidencing the expectation of congress that classes would be established prior to the allocation to grades. The representative of the civil service commission took the position that the first duty of the board was to establish, on the basis of facts secured through the earlier surveys, tentative class specifications to interpret with greater precision the congressional definitions of grades that had been based on these surveys. These class specifications were to be issued to the department heads to serve as a guide to allocations and to furnish a means by which the board could make an adequate review of allocations across departmental lines in order to secure an approach to the ideal of equal pay for equal work.

The representative of the bureau of the budget voted with the bureau of efficiency to have tentative allocations made directly to grades for estimate purposes only. As a basis for regulations to govern department heads the board, over the protest of the representative of the civil service commission, used the old schedule of salary grades which had been devised by the bureau of efficiency and which had been overwhelmingly rejected by the house when it was offered as a substitute for the salary schedule then contained in the bill. This schedule contained no services and no definitions of grades. It contained merely a comparatively small number of separate tasks inadequately described, arranged under salary grades. The excuse for the use of this schedule, made when the board promulgated it, was that in the opinion of the board time did not permit of the immediate development of the required class specifications and that the allocations were tentative for estimate purposes only.

Relying on the statement that the allocations were tentative, for estimate purposes only, the representative of the civil service commission permitted them to pass without specific objection. The representative of the bureau of the budget and the representative of the bureau of efficiency approved them, although the review by the board had been nominal, and no adequate provision had been made for publicity and for hearing complaints.

In the meantime the representative of the bureau of the budget had voted with the representative of the civil service commission with respect to the field survey, and in spite of the objection of the bureau of efficiency, a program was adopted that provided for the establishment of classes and class specifications. Despite handicaps, this work was pressed forward and a tentative schedule of services, grades and classes for the field services was issued to the departments about the middle of September, 1923, to furnish a guide to the departments in making preliminary estimates of salaries for the field services, and to furnish data for a thoroughgoing fact report to congress on salary differentials and the differences in cost of living, local conditions and other related matters. Tentative allocations made by department heads indicated that the cost of reclassification of the field services according to this plan would be under ten million dollars over and above base pay plus the present bonus and this would represent an increase of approximately 5.6 per cent.

The bureau of the budget decided against using these estimates in the Budget and on November 12, the representative of the bureau of efficiency and the representative of the bureau of the budget, over the protest of the representative of the civil service commission, adopted a new program. Under this program the field classification was scrapped and the decision reached that the board would not recommend to congress a schedule of services and grades like that used in the act for the District of Columbia. The new program provided that there should be no general new allocations for the District of Columbia and that the tentative allocations should in general be made permanent. Estimates for the field service were to be based on departmental allocations to the bureau of efficiency schedule which was inadequate even for the District of Columbia and contained nothing applicable to thousands of positions in the field services.

Evidence at the hearings before the house committee on the civil service subsequently developed the fact that this new program had been prepared in substance by the representative of the bureau of efficiency at the request of Senator Smoot. The representative of the bureau of the budget testified that he had voted for it although in many respects it conflicted with his personal views.

The publication of circular 13 on November 13, 1923, based on the new program, brought a storm of protests. The house in response passed a resolution calling upon the board to submit its minutes. Examination of the minutes clearly indicated the need for further investigation. Mr. Lehlbach of New Jersey, chairman of the house committee on civil service and one of the authors of the act of 1923, then introduced a bill to abolish the personnel classification board and transfer its functions to the civil service commission.

At the hearings on this bill the three members of the board were called and then the committee voted unanimously to report favorably the bill abolishing the board and giving its work to the civil service commission. All three members of the board subscribed to the view that the board should be abolished.

In the house the limited opposition to the bill rallied in support of an amendment to create a special board or commission to administer the act. This amendment was defeated, and the bill passed by a vote of 172 to 26.

A bill identical with the Lehlbach bill was introduced in the senate by Senator Stanfield, chairman of the committee on civil service. By unanimous vote of the committee, it was favorably reported, as was the Lehlbach bill when it came from the house. When the bills were reached on the calendar the senate was working under a unanimous consent agreement and unanimous consent was withheld by Senator Curtis of Kansas, acting in behalf of Senator Smoot who was absent. Senator Curtis in answer to questions of Senator Stanfield stated that he personally favored the bill but he had had to promise to object to it in order to secure the agreement for the unanimous consent procedure. Withholding unanimous consent prevented consideration of the bill at the session just closed, but the bill will probably be taken up early in the next session. The indications are that if a vote can be secured in the senate, the bill will pass by a majority as decisive as that given it in the house.

PUBLIC REPORTS AND PUBLIC OPINION

BY JOHN F. WILLMOTT

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What a public report should be and what it can do. :: :: ::

A PUBLIC report should present the activities, plans and problems of a government in such a way as to display the nature and amount of services rendered in return for tax dollars expended. It should state frankly the handicaps and disadvantages under which the department operates. It should outline the direction in which the scope of departmental activities should be extended.

It is not sufficient merely to compile this information in a voluminous report and make it available to the public; it must be arranged and presented in such a manner that those receiving it will find it both attractive and interesting. Better a minimum of vital and essential information so prepared as to be absorbed by a larger number of readers than an imposing statistical document which will be digested only by the few who have a technical interest in such matters.

The purpose of a public report should be to "sell" the government to the taxpayers and voters. Its preparation should take account of the psychology of advertising. If it is to be read, it must, after reaching the notice and engaging the interest of the "prospect"—in this case the taxpayer—be so arranged with the information so written and digested as to be attractive and interesting.

ATTRACTING ATTENTION

The first task is to attract the attention of the "prospect." In this connection, it should be borne in mind that even the best report will largely fail to achieve its purpose if some thought is not given to the matter of publicity and distribution. Some city managers have been keenly alert to the possibilities in this direction and have utilized members of the police force to distribute reports to every home in the city. Many cities now publish at stated intervals a municipal journal or record which carries, in addition to legal advertising, an account of the activities of the various departments. Informal bulletins dealing with special topics may be issued from time to time. A good example of this is a pamphlet recently issued by the commission and manager of East Cleveland, Ohio, stating in detail the economies effected during 1923 which made possible a cash balance of $60,000 at the end of the year. These are sometimes followed up by addresses to organizations, newspaper articles, moving picture exhibits, radio talks, etc.

It will often be necessary to drop the formal caption and get away from the conventional design of the title page. The set-up of the title page should be attractive and pleasing to the eye. A catchy title such as "The Picture of Health" (for health departments), "Crime in ——" (for police departments), "The Story of the —— Department" or "That's Where the Money Goes" (general) or some similar "headline" device will increase the interest of the reader and induce him to look within. The last two reports of the state fire marshall of Kansas are entitled respectively "Mrs. O'Leary's Cow" and "Nero the Fiddler." A vivid red color is used for the title pages and although of somewhat sensational appearance, there is no doubt that these reports will attract the interest of a very large number of those who see them.

Many reports have been issued which in spite of the excellence of their contents have more or less failed to be effective largely because of the typographical set-up discouraging instead of attracting the reader. The use of large readable type with plenty of subtitles will do much to relieve the monotonous appearance which a solid page, especially in small type, often presents. The more serious and "heavy" material can be broken up and made interesting by insertion of items in a lighter vein apropos of the subject matter.

USE OF PICTURES AND CHARTS

Nothing makes a report more interesting or informing than a liberal use of good charts and pictures properly selected and placed. These should be sprinkled through the report at appropriate intervals to break up and illustrate the text. Indeed, it is strange that this practise has not had more general use. One encouraging feature of the newer type of report is a tendency to abandon the array of statistics formerly considered as the backbone of any report. This is a distinct gain since a large number of complicated tables without interpretation means little or nothing to the reader and will probably not be looked at.

It is a good plan to reduce statistical matter to the minimum—the reference to a few "key" figures or averages in the descriptive matter being sufficient

—and to employ charts to show the reduction in infant mortality, the increase in crime, the growth of municipal expenditures, the disposition of the tax dollar, unit cost of street maintenance, etc. Care must be taken in the selection and presentation of material by reason of the fact that charts present material very much more clearly than tables and thus if improperly presented may mislead the reader. For this reason, it is highly essential that the proper sort of chart be selected; otherwise, it is possible that the facts will be so distorted as to create an erroneous impression. Space does not permit a further discussion in this article of the points involved; there are many excellent works in statistics and charting which if followed will obviate the possibility of falling into the more common errors.

The Illinois state health department has employed a cartoonist and his work appearing in the monthly bulletin teaches the necessity of forming good health habits. Pictures may be used to depict public buildings and institutions, park scenes, well-paved highways and other public works before and after improvement, interior views of public offices showing modern office equipment in use, noted criminals, systems of identification, street cleaning equipment, fire apparatus, baby clinics, nuisances before and after abatement, groups of employees at work, etc. Indeed, there is no limit to the use which may be made of pictures. Any additional expense entailed by the use of pictures and charts may be covered by the elimination of texts and tables, thus reducing printing costs; the net result should be a decided gain.

ARRANGEMENT OF READING MATTER

The actual reading matter contained in the report is, of course, the determining factor with reference to its value. The vital requirement in this connection is that it shall be interesting, significant and well-organized. Experience has shown that a concise and informal story full of vital interest is the most effective means of holding the reader's interest to the end. In the long run, any attempt at oratory or glorification of an individual or a department will defeat its own ends; the best policy is to state simply the facts of the situation leaving the reader to draw his own conclusions.

In this connection attention is called to the report of the Detroit police department for 1916–17. This report is entitled "The Story of the Detroit Police Department—Its History in the Making by the Men on the Job." Another very readable report is "Plain Talk," the report of the Philadelphia department of public works for the year 1914.

It will be found worth while to give considerable thought to the organization of the reading matter, selecting only the significant facts and presenting them in a concise and pointed manner. It is probably the best plan to divide the material according to the various organizations units and talk about the activities and problems of each one separately; in addition, there should be a brief summing up of the situation by the head of the department.

The annual report of the city of Milwaukee has followed this principle and has described the organization and personnel of each department and subdepartment. A good organization chart serves to bring out the relation of the various organization units. Having outlined the organization, the next step is to describe the work performed during the past year with reference to the character of services rendered and the quantity of performance as compared with other periods. Graphic charts have already been recommended as the best means of presenting the more significant features. Although a report generally covers a period of time already elapsed, there is no better place for considering plans for next year together with the estimated financial outlay needed to carry these into effect. Special problems and needs of the division in question should also come in for treatment at this point.

THE TREND TOWARD POPULARIZED REPORTS

It is encouraging to note the distinct and unmistakable trend toward the use of popularized reports during the past few years—a trend which has been greatly accelerated by the work of the National Municipal League, municipal reference libraries and bureaus of municipal research, which have aroused in the public a desire for more information regarding their governments and have, in many cases, co-operated with local officials in compiling better reports.

The development of the city-manager form of government has also materially accelerated the trend in the direction of readable reports. City managers are usually progressive, energetic and resourceful; in addition, by being made conspicuously responsible, they have been forced to a realization of the necessity of keeping the public in touch with the past work and the future plans of the government. City-manager cities throughout the country are producing a uniformly good and readable type of report which is contributing to the improvement of public reports generally.

The National Association of Controllers has recently recommended that municipal reports be published in one volume under the direction of the city controller. This particular arrangement may be open to question in that there is a danger of overemphasizing financial and statistical data—a practise too generally followed in the past. However, the publication of municipal reports covering all departments will have the advantage of relating the work of each unit to that of the others and will in addition reduce the cost of printing. In general, the city manager or mayor or some one of his assistants would seem to be the logical person to collect and edit the data from the various departments.

ADVANTAGES OF POPULARIZED REPORTS

It has been the experience of cities which have adopted the popularized type of report that several distinct advantages have resulted. In the first place, there has been an increased public interest in the problems and activities of government. Citizen dissatisfaction due largely to a lack of information has noticeably subsided, as soon as officials adopted a policy of frank and open discussion of public affairs. This in turn has frequently won public support for much needed enlargement of program and improved facilities.

The work of many departments demands a certain degree of public co-operation, which can be secured only through the use of this sort of propaganda and publicity. This is by no means an exclusively governmental problem. Some of the large corporations, especially public utilities, find it well worth their while to spend large sums of money in publicity and advertising to describe additions to plant or improved service, to explain the need for higher rates and to instruct the public as to the manner in which they may co-operate.

The need for anything which will contribute to the securing of this result is apparent enough when one contemplates the reaction which has set in after "reform" administrations in several of our larger cities. Somehow or other, reform administrations with all of their disinterest have largely failed to take the people into their confidence. Little or no attempt was made to explain the advantages of changes or new services, some of which may have interfered with the personal habits of a large number of citizens. Nor was the public informed as to what was going on, and because there was no contact or basis of mutual understanding between the government and the citizens the reform administration quickly became an object of suspicion and suffered a loss of public confidence.

Clearly, so long as our political institutions continue on something more or less resembling a democratic basis, the securing of improved methods of administration and the application of scientific technique to the problems of government must await a patient campaign of popular education and the cultivation of a firm and continuous contact and mutual understanding between the government and the citizens. It is here that popularized reports have their greatest justification as being one of several means by which the activities and problems of government may be brought to the attention of the members of the community whom they vitally effect and who must, if they are to arrive at intelligent decisions regarding matters of policy and performance of officials, be intelligently informed.

UNPROFITABLE COUNTY GOVERNMENT

BY ARTHUR E. NELSON
Mayor of St. Paul

Mayor Nelson was recently re-elected in a campaign in which he urged the consolidation of St. Paul and Ramsey county along the lines set forth in this article. Our readers will appreciate the rare political courage which he displayed. :: :: :: :: :: :: ::

One of the moth-eaten statements that I would recall to your memory is that county government without question is the most backward of our administrative units. Many of its functions are relics of days long since past. In no place in business logic can justification be found for the continued maintenance of some of the county offices and of practices that cannot possibly show a fair return on the enormous annual investment. On the other hand, I believe that city government is constantly becoming more and more proficient and, except where ward politics is the predominating influence, at a steadily decreasing cost when figured strictly on a basis of service. Whereas the problems of the municipal government have been scientifically treated and for the most part successfully solved during the past few years, the problems of the county government have been given little attention in proportion to their importance and broad relation to efficiency and economy.

If it is true, and it is, that we have

too much government, then it naturally follows that some of it should be eliminated. If it is true that the county government is awkward, obsolete and to a great extent unnecessary, then it is equally true that we should begin at that point to reduce.

PARTICULAR REFERENCE TO URBAN COUNTIES

In discussing county government I refer particularly, of course, to those localities in which the population is almost entirely urban and with the understanding that no two communities may be expected to adjust themselves to the same arguments.

I make these preliminary remarks at the risk of boring you with platitudes because it leads me more naturally to this conclusion—that the fault for virtually all losses of effort and money accruing from the maintenance of almost parallel governments within county boundaries rightly may be charged to a lack of knowledge among the voters or to their indifference. Either is to say the least an unfortunate condition that must soon be met if we would reach the root of tax burden.

In justice to the average citizen I presume I ought to say that the fault may be and probably does lie with the system which does not provide adequate means for informing him. His knowledge of all government is superficial because he is not reliably grounded in the fundamentals of that government. The average city man knows what amounts to virtually nothing of the county government. First, because no facility for learning has been made available; and second, because he does not come into direct contact with it. He is only vaguely aware that it exists and yet each year he contributes toward its support on the bare presumption that it is a necessary nondetachable part of the body politic.

Where I come from we believe in municipal home rule. A constitutional amendment authorizing home rule in cities and villages within the state of Minnesota was adopted in 1896. Many cities have taken advantage of this constitutional amendment, including St. Paul, and are now operating with charters adopted by their own voters.

However, the constitutional amendment did not provide for home rule, except subject in all respects and in all things to the will of the legislature. The general tendency toward centralization of governmental authority throughout the United States has resulted in the taking away from municipalities more and more of their home rule power and vesting such power in commissions, bureaus and what not. This is evidenced by the campaign conducted not only in Minnesota, but throughout the country, for removing control of public utilities from the municipal authorities and placing such control in state public utilities commissions. Then, too, the officials of many municipalities, not excluding St. Paul, have felt it easier at times to procure certain kinds of legislation through the state legislature rather than by a vote of the people. I am firmly of the opinion that only when municipalities have that kind of home rule that cannot be interfered with by the legislature will consolidation of county and city governments be successful.

THE SITUATION IN RAMSEY COUNTY

I represent a locality that seems to me to be perfectly constituted to benefit by the process of a consolidated government. The city of St. Paul has a population, according to the 1920 census, of 234,000. The rural population of Ramsey county, (the smallest county in area in the state) in which St. Paul is located, was fixed at less than 10,000 in this census, although the rural acreage is very nearly equal to the area embraced by the corporate limits of the city. During the past three years the population of St. Paul proper has increased until it is estimated close to, if it does not quite reach, 300,000 people. The county population figures have not, I believe, shown anything like a relative gain.

During the last session of the legislature an attempt was made to secure authority for a referendum on the question of abolishing Ramsey county and creating the city and county of St. Paul. According to reports conveyed to me at that time many of the 10,000 residents of the county outside of St. Paul limits appeared before the Ramsey county delegation to protest on the ground that they could not — and many of them said they would not — stand the tax increase which they foresaw arising from such a combination. Members of the delegation did not see fit to carry the issue to the floor of the house and there the matter was allowed to rest.

Among those who entered protests were residents of a village where the tax rate per thousand of assessed valuation is more than $100 as against the present rate of $61.50 in St. Paul covering the city, county and state taxes. Clearly, this was a case where specific information would have helped. The glaring inconsistency is that 96 per cent of the taxpayers in Ramsey county who reside in St. Paul must help to maintain a separate government largely for the remaining 4 per cent, which government, so far as the city is concerned, is to a considerable extent unnecessary.

GOVERNMENT OF RAMSEY COUNTY—OBSOLETE OFFICER

The governmental plan of St. Paul and Ramsey county is no doubt in most all ways analogous to the plan operating in other important centers. The board of county commissioners consisting of seven members is the legislative and administrative body in the county. Two of these members are elected from separate commissioner districts outside of the city of St. Paul within the county; four are elected at large from the city of St. Paul; the mayor of St. Paul is *ex officio* chairman of the board of county commissioners of Ramsey county. It will be noted, therefore, that five of the members of the board out of the seven are elected by the citizens of St. Paul. We have a county superintendent of schools, who is not in any way associated with the department of education maintained by the city. He is elected from the country districts only and has jurisdiction only over the country schools. We have a coroner—a somewhat obsolete institution—and we have county physicians and city health bureau, each carrying on in the same general direction presumably without an iota of co-ordinated effort.

We have our sheriff—another unnecessary institution—who seems able to get legislative permission for increasing his force of deputies at each session, and we have our city police department, with the sheriff exercising jurisdiction throughout the county, including the city, and the police department only within the confines of the city. We have our county treasurer who collects all the taxes including personal property taxes and assessments and we have our city commissioner of finance who is advised by the department representing 4 per cent of the total population of the county what the city's share of the revenue supplied by the 96 per cent of the total population amounts to. We have a county auditor and we have a city comptroller. We have a county attorney and we have a corporation counsel. We have a county engineer and we have a city engineer and so on—office matching office. Nor are we so fixed geographically or in point of population that the work of two departments could not easily be discharged at not more than 75 per cent of the present combined labor cost.

We have a few direct points of contact between the two governments. And the wonder to me is that the evident benefits from or the possibilities promised by these minor examples have not long before this recommended to the taxpayers a more general application of the principle.

I have already called attention to the fact that the mayor of St. Paul, under a special act of the legislature, is *ex officio* chairman of the board of county commissioners. We have a joint city hall and court house commission created also by a special act of the legislature composed of three members of the city council and three members of the county board—all of them appointed by the mayor who serves as its official head. The chief function of this commission is to manage the one building in which most of the city and county offices are housed. The cost of maintenance is shared equally by the city and county.

CENTRALIZED PURCHASING DEFEATED

At the last session of the legislature an attempt was made to supply an object lesson which, had the attempt been successful, could, and most certainly would, have been used to excellent effect in convincing the electorate of the advantages of a single governmental unit. We applied for permission to centralize the buying power of the city and county under one head but the application was denied primarily at the instance of those who for years have been selling to advantage to individual county offices. By special arrangement we did succeed in concentrating the buying of supplies for the joint city hall and court house commission in the city purchasing department but the sheriff and the rest of the county officials continue the old-fashioned and costly system of buying promiscuously and where and when they will. I do not pretend to say they fail to drive the best bargains possible but ordinary business judgment tells us it is an impractical system.

No one will gainsay the saving possible under a system of quantity buying. It is such a simple truth that one almost feels ashamed to mention it. Nevertheless, and despite its admitted advantages, we are not permitted to pool the demands of the two governments and buy at a saving to both.

We have another minor point of contact in the city and county board of control, composed of three members—two elected by the county commissioners and one elected by the city council. This board supervises our city hospital, our county home and the city and county outdoor relief. Moneys are appropriated for the purposes outlined in the proportion of two-thirds by the county and one-third by the city.

ELECTORATE IGNORANT OF WASTEFULNESS

I would like here to repeat and perhaps elaborate on a statement I made at the outset—that I believe it is due entirely to lack of knowledge or indifference on the part of the voters or inadequate educational facilities—that we have not now a more simplified form of local government.

I do not need to tell you how difficult it is on most all occasions to arouse the interest of the electorate in administrative matters. Unfortunately, it is not until what are held to be negative results reveal themselves that the average citizen pricks up his ears. The average citizen, as we all know, does not naturally have the same relationship with the county officials that he does with those of the city. Unless he owns property outside of the city limits or violates a law within the jurisdiction of the sheriff's office, or until he pays his taxes to the county treasurer, he can scarcely be expected to take more than a passing notice of what is going on in county circles. He pays his share of the cost of county government—95 per cent in St. Paul, to be exact—unwillingly, no doubt, and without knowing what, if anything, he is going to get for it, and there his personal touch ends.

Through lack of concrete knowledge, or through indifference, or through want of means to learn, the average voter is in no position to judge the enormous waste, the overlapping duplication of work and the consequent confusion and unnecessary expense entailed by a dual local government. In so far as we as officials do not or cannot promote more generally a systematic program of taking governmental affairs to the people the responsibility must, to some extent, at least, rest with us.

Surely any small county, such as mine, not only can, but certainly ought to operate as a single administrative unit. This is predicated entirely on my opinion that consolidation of city and county government is desirable in the larger centers where the comparative rural population and cost of maintaining its separate government are out of all proportion when considered in the light of good business.

ZONING FOR EQUITABLE TAXATION

When we come to centralize our local governments under one bureau of control we are inevitably faced by the problems of zoning for equitable taxation, reasonable service to distant points in the county and disposition to be made of the village governments. In my county we have three small villages.

It is claimed that to tax all alike (and I guess it is quite generally admitted to be true) would be unfair unless the quality of service is altogether uniform. Whether or not a uniform service is possible depends almost wholly on the size and topography of the area to be served. Taxes ought to represent the price one pays for benefits received, plus a reasonable contribution toward government maintenance commensurate with the progress and physical welfare of the community.

In a compact district such as that which I represent I should say it was more than possible to establish a reasonable service at a fair charge, but I am fully aware that to attempt it in some sections would be the height of folly.

The third city in Minnesota is Duluth, which is located in a county forty times as large as the county from which I come. It is equal in size to the states of Connecticut and Rhode Island combined. It is a mining country in one part and largely agricultural in another and is of such a physical nature—to say nothing of its great size—that complete consolidation of local governments there would not only be impractical but would result in such an unwieldy instrument as to make it unmanageable.

But even in the larger areas—such as the one containing the city of Duluth—consolidation might be partially affected at a profit by a combination of those offices where the work is largely a matter of accounting; then, too, there is no reason that I can see why departments such as the legal and school and purchasing departments should not be merged to serve effectively without respect to the size of any country area.

I believe that the three village governments in my county could very easily be continued as separate governing units, at least, until a greater growth in the county would bring them into direct contact with the city section itself.

My chief claim is that by all the rules of business, mathematics and common sense most of the parallel offices in city and county government (having in mind St. Paul and Ramsey county) should be consolidated in the interest of service, economy and simplicity of operation and control.

What, in my opinion, would be good for Ramsey county and St. Paul in connection with the consolidation of governments would no doubt work satisfactorily in other communities where similar conditions exist.

This seems to me to be so formidable a truth as to admit of no dispute. Whether the name of a county is changed or not is a matter of very relative importance. I still maintain that in many cases, if not all of them, a single department will serve the purposes for which two are now drawing on the purse of the taxpayers. This, after all, is the main idea of consolidated government.

THE PAY-AS-YOU-GO PLAN IS CHEAPER

HIGHER MATHEMATICS GIVES FICTITIOUS LOWER COSTS

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This is a rejoinder to the article by Gaylord C. Cummin in the June Review, *which asserted that the pay-as-you-go policy is more costly than any other financially sound method.* :: :: :: ::

It is an amazing argument that Mr. Cummin gives to support his thesis that it is more costly to pay cash than it is to purchase on the instalment plan if only your credit is good enough. By taking us into the fascinating realm of actuarial science where, "as compound interest gets in its mighty work" money at 6 per cent multiplies itself so fast that $339.30 due one hundred years from now is worth only $1 to-day, he points out the way for us as individuals to become wealthy by borrowing on our excellent credit as a community. The path he has selected, however, is a treacherous one. Although the figures are correct, the reasoning is faulty. An easy facility in the use of compound interest tables has once more shown why statisticians are held in such low estate.

SAME ARGUMENTS USED TO PREVENT ADVANCEMENT OF TAX COLLECTION DATES

The position taken by Mr. Cummin is that the use of the taxpayer's money is worth more to him than the cost of borrowing by the community on his account. This "fact," he says, has rarely been taken into account in the discussion of public finance. Unfortunately that is not so. Such a belief is only too common. It is the sole objection generally made to advancing the date of tax collection nearer to the beginning of the tax year. About 40 per cent of municipal borrowing is for short terms, most of it to finance the current requirements prior to tax collection. The annual cost of this policy to the municipalities and states, and indeed to the federal government, cannot be estimated; but it is extremely heavy. In its 1920 report the Special Joint Committee on Taxation and Retrenchment of the New York Legislature cited some interesting examples of heavy costs incurred for the purpose. In Utica, where taxes are not due until September, the city is forced to borrow for the period of eight months at a cost which in 1919 reached the sum of $20,000. In Syracuse the cost was $50,000. The comptroller of New York estimated the cost to that city at $3,000,000 annually; it is now roughly $4,000,000. In fact, when the budget was much smaller than at present but taxes were not due until September, the cost was even higher—approximately $5,000,000. It was cut practically in two by a change in the law providing for semi-annual tax collection, one-half payable in May.

Municipal research workers and financial experts generally have advised the gradual advance of tax collection dates to the beginning and middle of the fiscal year as a means of economy. In the report above cited a similar recommendation was made. In support thereof it was pointed out that the mayor of Troy had reported a saving of $42,000 annually secured by the inauguration of such a policy. Even the little city of Middletown saved $7,000 similarly. That it has not become more general is due solely to the objection based on the insistence that the taxpayer withhold his payments as long as possible because of the greater earning power of money in his hands. If the objection is sound, Troy and Middletown have made serious errors which they should correct at once, because the "economy" they cite has been secured at greater cost to the individual taxpayer. New York similarly, instead of making continued efforts to advance the tax collection dates to January and July, should not only give up its present method of collecting one-half the taxes in May, but should postpone the date of tax collection to the very last day of December. So, likewise, should every other municipality and state. Particularly is this important with respect to taxes collected from business corporations, which are unquestionably in a situation permitting them to make profitable use of their money. Will Mr. Cummin be consistent and advocate such a step?

ERRONEOUS PICTURE OF AVERAGE TAXPAYER

In the opinion of this writer the argument is fallacious because it is based on a wholly erroneous assumption that the taxpayer is either regularly under the necessity of resorting to borrowing to meet his tax obligations or that he can readily find investments for the sums at his disposal at attractive interest rates. Both are denied as being far from the situation confronting the average taxpayer.

Taxes levied by the municipality represent the cost of supplying various public services such as health, sanitation, education, recreation, police and other protection, care, cleaning, maintenance, and lighting of streets, water, etc. Like the public utility companies, the municipality might render bills monthly. For the sake of economy in collection and administration, however, tax bills are presented once or at most twice annually. It must nevertheless be realized that taxes represent regular annual payment for services rendered, and hence should be provided for from the annual income in the same way as are all regular living expenses.

If the taxpayer who makes his payments directly to the community is living within his income—as he should—there is no more reason for his being compelled to borrow to pay his taxes than there is to pay any of his other necessary expenses. This does not mean that he never has to borrow. He may be and occasionally is obliged to resort to pawnbrokers at a cost of 1 per cent a month, or to industrial bankers at a cost to him of 19 per cent. He may be buying an automobile on a partial payment plan at an interest cost of 25 to 35 per cent on the unpaid portion, or a radio, phonograph, or other piece of furniture on the instalment plan at a much greater rate as compared with the cost for cash. He may even be paying off a second mortgage on his house which, if he were able to take up in cash, would save him 20 to 25 per cent.

It will be noted that the interest costs here indicated are greatly in excess of the 6 per cent rate mentioned by Mr. Cummin as the value of the taxpayer's money in his own hands. Despite that, the validity of his argument is questioned. The postponement of tax payments for a portion of the year or for a number of years would not mean the application of the sums thus retained to savings of interest costs involved in transactions such as have been indicated. Furthermore, none of them, with the possible exception of a second mortgage, or even a first mortgage, require borrowing for a long period of time such as would permit the compounding of interest in the manner indicated by Mr. Cummin.

If the taxpayer is a large real estate owner, his taxes do not necessarily represent payments for services rendered to himself. They are business expenses which he passes on to his tenants in the rent. Now it may be necessary for him to borrow for a short time to pay taxes, just as it may be necessary for any merchant or manufacturer to borrow occasionally to meet current obligations in excess of cash on hand. As an annual expense of the business, however, it must be met from current earnings in exactly the same way as must any other expense of the business of operating real estate, such as the janitor's salary or the coal required for heating and hot water.

COMPOUNDING AT HIGH RATE IMPROBABLE

The same weakness characterizes the argument in so far as it deals with the ability of the taxpayer to secure extraordinary returns on his money when invested. The probability is strong that so far as the average taxpayer is concerned the only thing that he can do with the average sum involved in this discussion would be to place it in the savings bank where it would draw at most 4 per cent interest compounded semi-annually. Even that, however, would be granted only from the beginning of the nearest interest-bearing period and provided it remained in the bank until the close of such period. In the form of endowment insurance or an annuity, the earnings would not be much above 3 per cent or 3½ per cent per annum. As for the larger sums in the hands of the large taxpayer, it is just as likely that they might merely add to the balance in the checking account to draw interest, if at all, at a rate ranging from 2 to 3 per cent. It is not necessarily true that every additional dollar placed in a business will result in additional profits at the same rate as that earned by the invested capital. There are often periods when the uncertain demands of the call money market offer the only possibilities for profitable use of available funds.

Furthermore, there is overlooked the fact that the difference between the possible earnings of industry and the rates paid on municipal bonds is due in part to the additional element of risk involved, which supposedly is not present in the case of securities backed by taxation, with the result that numerous large investing taxpayers are and always have been well satisfied with the lesser earnings accompanying the absence of speculation. If this were not so the question involved in this discussion would not have arisen, for the municipality could not borrow at the lower rate. One reason for the small rates paid by savings banks and insurance companies is the investment of an appreciable proportion of their funds in municipals.

EFFECT OF TAX EXEMPTION

Mr. Cummin mentions exemption from income tax as one of the factors in the excellent credit of municipalities which results in their ability to borrow at a lower rate of interest. He seems to overlook the fact that the additional value which this gives to the nominal interest rate payable on municipal issues represents the loss to the average taxpayer which may be a partial or total offset to the 1½ per cent saving which he estimates is due to his retaining the use of money otherwise paid in taxes. It is very difficult to place a definite value on the factor of tax exemption. There are too many circumstances which affect it. It differs with the size of the income, especially that portion derived from other sources, and with the number of dependents.

The least that can be said is that the difference between the rate paid on municipal securities and that earned in business is not as great as has been assumed by Mr. Cummin.[1] In the case of the very large investor in this type of security his earnings from the very best type of investments may be even greater than he might have secured from a speculative enterprise. Conversely, this means that the small taxpayer may be suffering a loss on community borrowings from this one factor alone.

COST OF ADMINISTRATION

Another oversight which presents a factor of some importance is the cost of administration involved in borrowing. Frequently a special election must be held. In all cases the issue must be advertised, bids secured, bonds printed, interest must be paid, bonds redeemed, for all of which accounting and supervision is necessary. All this involves considerable cost, even if serial bonds only are issued, and is much greater when there are sinking funds to administer. It is these additional costs in the case of private business that make instalment purchases so much more expensive than cash purchases. The pay-as-you-go policy means their total elimination.

IMPLICATIONS OF "PRESENT VALUE" METHOD

Suppose we accept Mr. Cummin's argument that the taxpayer can make investments so favorable as to leave him a margin of profit above the tax required to meet the community's debt service, and carry this point of view out consistently to its logical results, we shall see some interesting implications. Inasmuch as the matter gets down to the present value of the difference between the possible earnings of the taxpayer at a higher rate of interest and the costs to him involved in municipal borrowings at a lower rate, "the greater the length of time payment is deferred, the greater the profit to the taxpayer," to quote Mr. Cummin. Despite his comment that it is absurd to issue forty-year bonds to pay for a road that will last only fifteen years, he nevertheless shows that at 7 per cent the present value of the payments for interest and redemption of a 5 per cent bond for this term would be practically 20 per cent less than the cost by the pay-as-you-go method. If, however, the term of the bond issue be lengthened gradually, the saving would be even greater. The present value of the requirements for interest and redemption of a one-hundred-year issue amounts to nearly 30 per cent less than the face value of the bonds.

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[1] Tables supporting this statement have been deleted for lack of space. The reader is doubtless familiar with similar tables showing minimum interest rates required on taxable securities to yield incomes equivalent to tax exempt securities.

If, furthermore, the bonds in the example cited were in the form of serial annuities rather than straight serials, there would be an additional "saving" of $1,300 by "present values." The importance of this fact would be tremendous if the argument were valid. The present output of state, county, and municipal bonds is at the rate of more than a billion dollars annually for the entire country. This means that, if all bonds were issued for terms of only forty years, a "saving" of approximately $35,000,000 annually could be secured to taxpayers by the simple expedient of substituting serial annuities in all cases for straight serials. As the serial annuity bond approximates the sinking fund bond in cost for interest and redemption, this may seem surprising. We have, up to the present time, been taught that the requirements of interest and redemption of straight serial bond are less than for a sinking fund bond of the same term. Not, however, in this topsy turvy world of "present values." Here the cheaper is the dearer, and the dearer cheaper. This will perhaps be understood the better when it is realized that the decreased requirements for interest and redemption payments on a straight serial issue result from the fact that the process of actual redemption is thereby hastened. Again we get back to the proposition that if the taxpayer can earn a higher rate of interest the longer he puts off paying for anything secured through his community the less it costs him.

NO CRITERIA FOR DEBT STANDARDS

This means that we are left with absolutely no criteria of any kind for determining standards of municipal borrowing. If it be true that the longer the term of the issue the less it costs, wherein lies the absurdity of issuing bonds for terms exceeding the durability of the improvements financed? The relationship of the term of an issue to the purpose or to the durability of the improvement is of no consequence in the face of this more important factor of lesser cost. Similarly there is no economic basis for determining the maximum term of a bond issue for any purpose. On the other band there seems to be every justification for a return to the fallacy of the early eighteenth century which led most of the European countries to issue perpetual interest-bearing securities, of which comparatively staggering amounts were outstanding at the outbreak of the late war. It may be objected that their issue was not justified at all because, having been issued to finance wars, they did not meet the test of representing tangible improvements adding to wealth. Assuredly, however, perpetual bonds should be urged for the purchase of land, which not only lasts forever, but is practically certain to increase in value. Besides, inflation may operate to reduce the face value of the debts to negligible amounts resulting in practical repudiation without loss of honor.

FINANCING RECURRENT CAPITAL OUTLAYS

Mr. Cummin slurs over the results of continued borrowing in such fashion that it may be advisable to point out exactly what happens when capital outlays are recurrently financed by the issue of bonds as compared with financing direct from tax payments. Attention is therefore called to Table No. 1, comparing the two methods and showing the number of dollars that must be raised by taxation each year under the two plans.

Under the bond issue plan the payments the first year will be $4,500 for interest and $5,000 for redemption of principal, a total of only $9,500, or $90,500 less than the full cost of the improvements. A debt of $95,000 remains outstanding, however, interest and redemption of which must be provided for during the following years. Hence the difference in favor of the bond issue method as against the pay-as-you-go plan gradually decreases with each year's output of bonds. In the twelfth year the difference in favor of a bond issue is only $850; and in the

TABLE NO. 1

TABLE SHOWING COMPARISON IN COST OF FINANCING ANNUAL OUTLAY OF $100,000 FOR PUBLIC IMPROVEMENTS BY THE PAY-AS-YOU-GO PLAN, AND BY THE ISSUE OF TWENTY-YEAR 4½ PER CENT STRAIGHT SERIAL BONDS

Year	Cost by Pay-as-You-Go Plan	Cost by Issue of Serial Bonds			Difference in Favor of:		Debt Outstanding, End of Year
		Annual Interest	Redemption	Total Cost for Year	Serial Bond Issues	Pay-as-You-Go Plan	
1st	$100,000	$4,500	$5,000	$9,500	$90,500		$95,000
2nd	100,000	8,775	10,000	18,775	81,225		185,000
3rd	100,000	12,825	15,000	27,825	72,175		270,000
4th	100,000	16,650	20,000	36,650	63,350		350,000
5h	100,000	20,250	25,000	45,250	54,750		425,000
6th	100,000	23,625	30,000	53,625	46,375		495,000
7th	100,000	26,775	35,000	61,775	38,225		560,000
8th	100,000	29,700	40,000	69,700	30,300		620,000
9th	100,000	32,400	45,000	77,400	22,600		675,000
10th	100,000	34,875	50,000	84,875	15,125		725,000
11th	100,000	37,125	55,000	92,125	7,875		770,000
12th	100,000	39,150	60,000	99,150	850		810,000
					$523,350		
13th	100,000	40,950	65,000	105,950		$5,950	845,000
14th	100,000	42,525	70,000	112,525		12,525	875,000
15th	100,000	43,875	75,000	118,875		18,875	900,000
16th	100,000	45,000	80,000	125,000		25,000	920,000
17th	100,000	45,900	85,000	130,900		30,900	935,000
18th	100,000	46,575	90,000	136,575		36,575	945,000
19th	100,000	47,025	95,000	142,025		42,025	950,000
20th and thereafter	100,000	47,250	100,000	147,250		47,250	950,000
					219,100	$219,100	
Totals for 20 years	$2,000,000	$645,750	$1,050,000	$1,695,750	$304,250		$950,000
To be paid during next 19 years on debt still outstanding		299,250	950,000	1,249,250		1,249,250 304,250	
Grand totals	$2,000,000	$945,000	$2,000,000	$2,945,000		$945,000	
Average cost per year	100,000	47,250	100,000	147,250		47,250	

thirteenth the actual payments required for redemption and interest are almost $6,000 in excess of the value of the improvements secured that year. As a result of the continued accumulation of debt the difference in favor of the pay-as-you-go plan increases year by year thereafter until the twentieth year, when it reaches the maximum. During that year and every year thereafter as long as the policy of issuing bonds is continued the actual payments under the bond method are $100,000 for redemption of maturing bonds and $47,250 for interest—a total that is 47.25 per cent greater than the actual value of the public improvements secured by the city. What is more, there will be a debt of $950,000 outstanding. Even if not another dollar be spent for improvements during the next nineteen years it will nevertheless be necessary to redeem maturing bonds to that amount and to pay interest, the total required being $1,249,250. If the pay-as-you-go policy should be introduced in a city where financing has previously been by bond issue the result will be practically identical.

Mr. Cummin's attitude to this situation as a result of the assumption he starts with can be characterized as nothing less than startling. He admits an overpayment in actual dollars of 47.25 per cent each year after the twentieth. He stresses, however, only the overpayment in dollars under the pay-as-you-go plan for the first fourteen (it should be twelve) years. Furthermore, by figuring the value of the taxpayer's money at 6 per cent he insists that the cost of each $100,000 bond issue is $89,525, a clear saving to the taxpayer of $10,475 each year despite the fact that he actually pays out $47,250 more.

This is so amazing a result that one almost wishes it were true, and one wonders why Mr. Cummin did not analyze to the full the possibilities of a method yielding such startling results. For, although the difference in actual dollars paid out during the first twenty years under the two methods is only $304,250 in favor of the bond method, computation by present values, even including the redemption of the debt of $950,000 that remains, would show a profit of $60,818. If the issue of bonds is continued for a hundred years, however, the profit would have grown to $90,700. The possibilities seem limitless in favor of the present-day taxpayer. It is to be feared, however, that the taxpayers who must raise in actual taxes $147,250 twenty years from now, although they get only $100,000 worth of public improvements, will not appreciate the situation nor see the profit.

A twenty year term, moreover, is too conservative. If the bond issue is a longer one, as it is very likely to be, the difference will be even greater. Table No. 2 has been prepared to show the difference between the pay-as-you-go plan and the bond issue method at various rates of interest for varying terms from ten to fifty years. Conservatively assuming the average term of all bond issues to be approximately thirty years, it will be seen that under the method of continued borrowing to pay for public improvements we must raise in taxes at least $1.75 for each dollar spent on capital outlays. In New York city, and the state, likewise, where the term is usually fifty years, the cost is almost $2.50 for every dollar of public improvements.

The question may arise as to why this is not more readily visible and so more easily recognized. The fact may be traced to the weakness of most statistics dealing with debt costs. Even more it is due to the factors that have contributed to the accelerated

TABLE NO. 2

COMPARATIVE COST OF FINANCING PUBLIC IMPROVEMENTS COSTING $100,000 ANNUALLY BY THE PAY-AS-YOU-GO PLAN AND BY BOND ISSUES

Term of Bonds in Years	Cost by Pay-as-You-Go Plan	Cost by Issue of Straight Serial Bonds			Cost by Issue of Sinking Fund* or Serial Annuity Bonds		
		4 per Cent	4½ per Cent	5 per Cent	4 per Cent	4½ per Cent	5 per Cent
10..........	$100,000	$122,000	$124,750	$127,500	$123,291	$126,379	$129,505
20..........	100,000	142,000	147,250	152,500	147,167	153,752	160,485
30..........	100,000	162,000	169,750	177,500	173,490	184,175	195,154
40..........	100,000	182,000	192,250	202,500	202,094	217,373	233,133
50..........	100,000	202,000	214,750	227,500	232,751	253,011	273,884

*Sinking Funds assumed to earn the same rate of interest as is paid.

output of bonds within recent years. These factors are the rapid growth of population, the increase of assessed values, and the rise of standards that have led to greatly increased demands on the governing bodies for improvements in keeping with modern conditions of life. The pace has been ever increasing within the last two decades, and was especially accelerated in the years following the war by the decreased value of the dollar. We are very near the peak, however, if we have not actually reached it, and the debt service will soon exceed the annual budget for capital outlays.

BORROWING ENCOURAGES EXTRAVAGANCE

It is true that "there is nothing financially unsound in borrowing" to provide funds for worth-while improvements, especially if they are of the kind that make for efficiency and economy of maintenance, on sound, recognized principles of debt administration. Even if the improvements demanded, though highly desirable and adding substantially to the value of neighboring property, nevertheless represent not economy, but rather the luxury of civic beauty (and additional annual maintenance expenses), it is also not financially unsound to borrow—if the community can afford the expense. No more is it reprehensible to purchase musical instruments or automobiles on the partial payment plan, or a home with the aid of a purchase money mortgage, if they can be afforded. Indeed, the acquirement of capital facilities on the part of communities by means of bond issues may well be considered instalment purchases.

It is highly probable that the economic development of this country can be traced in part to this method of financing our desires for articles demanding large money outlays. We do know, however, that it has bred extravagance in many individual instances. Is, then, extravagance so much less likely in the case of municipalities, especially when their credit is so good that they are given a period as long or longer than the life of the article purchased within which to pay for it, whereas an individual is given two years at most to pay for a piano that may last twenty years or more? Is not that in itself an extravagance, equivalent at best to renting at cost? Is a continuous performance of borrowing ever anew while paying the debts of the past thirty, forty, or fifty years not an extravagance? And why does it continue, if not because the taxpayers are encouraged by the belief that they are paying no part of the debt they incur, but are passing it on to posterity?

FINANCIAL MISMANAGEMENT A CONCOMITANT OF DEBT

Unfortunately, too, as Hume recognized 175 years ago, "the practice . . . of contracting debt will almost infallibly be abused, in every government." The pressure of officeholders to reduce the budget and tax rate, at the same time that extraordinary demands are made tending to an increase, is so strong that the temptation is ever present for the "minister to employ such an expedient as enabled him to make a great figure during his administration without overburthening the people with taxes or exciting any immediate clamors against himself." In such an atmosphere abuses and malpractices of varying degree are certain.

There remain, likewise, the difficulties inherent in debt management, which have not disappeared entirely despite recent agitation for sounder methods. It was thought, for example, that with the use of the serial bond, there could be no question of the necessity for redemption by the present generation. Nevertheless, the New York *Times* carried the following advertisements of municipal and state bond issues on May 12, 1924:

City or State	*Amount*	*Purpose*	*Rate*	*Maturities*
Los Angeles, Cal.	$700,000	Unspecified (in itself looks bad)	5%	Odd Amounts, 1941–1961
Nashville, Tenn.	310,000	Street Improvements	5%	1930–1953
West Virginia	1,500,000	Highways	4½%	Odd Amounts, 1929–1948

A week later, Morgantown, West Va., offered a serial annuity issue of $600,000 school district bonds at 4¾ per cent, of which the maturities were so arranged as to be too light during the first fifteen years, and thus correspondingly heavy during the last fifteen. Lest it be thought that these are isolated examples, it must be stated that a long list of similar cases could be cited from recent advertisements, including a road issue of a Texas county maturing in from 11 to 25 years; a White Plains school issue, maturing in from 10 to 24 years; a Norristown school issue running for from 10 to 30 years; a Texas county water issue, running for from 8 to 30 years; a Jackson, Mich., issue, maturing in from 7 to 16 years; an Atlantic City issue, maturing in from 18 to 23 years; a Charlottsville, Va., issue, maturing in from 20 to 40 years; St. Petersburg, Fla., from 27 to 30 years; and a $900,000 issue made late in 1923 by Wilmington, Del., maturing in from 29 to 33 years.

WE ARE POSTERITY

Assuredly no further comment is necessary on the examples of financial mismanagement visible in the bond issues referred to above. Is there any doubt that they represent cases in which the future was mortgaged and posterity trusted to for payment? David Hume was indeed farsighted. "Posterity," he said, "having before their eyes so good an example of their wise fathers, have the same prudent reliance on their posterity; who, at last, from necessity more than choice, are obliged to place the same confidence in a new posterity."

The temptation is stronger than ever to avert and put off as much as possible, more from necessity than choice. For we are the new posterity. We have inherited the fruits of all the evil and ignorance of the past in matters of municipal finance. In addition to our own burdens we are compelled to bear those due to the failure of our predecessors to meet their own bills. Thus our cities have been brought to such a pass that, so far from being extravagant, they have often been much too niggardly in the matter of desired and urgently needed improvements. The "dead horses" of our ancestors and the other mistakes made in creating and administering debts have helped increase greatly our debt service costs. The requirements for interest and redemption of debt are in many instances exceeded only by the requirements for the public schools system. They are a burdensome and vital factor in the growth of the tax rate to the point of confiscation. Not only that, but in numerous instances the borrowing margin has been narrowed and the credit of the municipalities destroyed to such an extent that they have been prevented from entering upon enterprises urgently required for the welfare of the citizens now alive—even such as might reduce maintenance costs by the provision of efficient and economical equipment.[1]

NEED FOR PLANNING AHEAD

The case seems therefore strong for Mr. Cummin's vital objection to the pay-as-you-go policy, that to forego wise and necessary public improvements unless they can be financed from current income is foolish and unnecessary. To change overnight from the present system of borrowing with the burdens it has imposed upon us would necessitate severe economy in the matter of capital outlays for a number of years. Otherwise the tax rate would be subjected to so undue a strain as to crack, if it did not increase beyond the legal limit—as seems highly probable in most instances. There is no question of the difficulty. Does anyone find it easy to escape from the clutches of the loan shark once he has gotten into them?

It is not necessary to swallow the program whole at a single gulp. It can be introduced gradually over a period of years. By including in the tax budget provision for an increasing percentage of the total annual expenditures for capital outlays, the savings in interest can be taken advantage of, as well as the economies in maintenance resulting from the introduction of modern facilities and methods. It would thus not be necessary to curtail any of the improvements and the additional burden would be imposed so gradually as to be comparatively slight.

To show how this would work, Table 3 has been prepared, to cover the case of a city which had hitherto issued $100,000 of twenty year serials regularly each year and decided to change to the pay-as-you-go policy over a period of ten years. The additional payments required above the $147,250 annually spent for interest and redemption would rise gradually from $9,050 in the first year to almost $51,500 in the tenth. Thereafter the excess would decrease rapidly until the seventeenth year, when there would be a balance in favor of the all cash method. As the bonds still outstanding were retired, this balance would increase rapidly until it reached $47,250, the maximum, in the twenty-ninth year. By this method the net cost of the change would be slightly more than $92,000; the savings of the next two years would more than make up for it, after which they would be available for civic luxuries or for tax reduction. The occasional postponement of less urgent improvements would make for

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[1] For examples see the Report of the (N. Y.) Special Joint Committee on Taxation and Retrenchment, Legislative Document No. 80, 1920. Chap. V., especially pp. 75–76.

TABLE NO. 3

Showing the Annual Requirements for Introducing the Pay-As-You-Go Policy Gradually During a Ten-Year Period in a City with a Recurrent Capital Expenditure of $100,000 Annually

Year	Payments for Interest	Redemption of Serial Maturities	Outlays Financed Direct from Taxation	Total Requirements	Comparison with Cost by all Bond Issues		Debt Outstanding at End of Year
					Increase	Decrease	
1	$46,800.00	$99,500	$10,000	$156,300.00	$9,050.00		$940,500
2	45,922.50	98,500	20,000	164,422.50	17,172.50		922,000
3	44,662.50	97,000	30,000	171,662.50	24,412.50		895,000
4	42,975.00	95,000	40,000	177,975.00	30,725.00		860,000
5	40,950.00	92,500	50,000	183,450.00	36,200.00		817,500
6	38,587.50	89,500	60,000	188,087.50	40,837.50		768,000
7	35,910.00	86,000	70,000	191,910.00	44,660.00		712,000
8	32,940.00	82,000	80,000	194,940.00	47,690.00		650,000
9	29,700.00	77,500	90,000	197,200.00	49,950.00		582,500
10	26,212.50	72,500	100,000	198,712.50	51,462.50		510,000
11	22,950.00	67,500	100,000	190,450.00	43,200.00		442,500
12	19,912.50	62,500	100,000	182,412.50	35,162.50		380,000
13	17,100.00	57,500	100,000	174,600.00	27,350.00		322,500
14	14,512.50	52,500	100,000	167,012.50	19,762.50		270,000
15	12,150.00	47,500	100,000	159,650.00	12,400.00		222,500
16	10,012.50	42,500	100,000	152,512.50	5,262.50		180,000
					$495,297.50		
17	8,100.00	37,500	100,000	145,600.00		$1,650.00	142,500
18	6,412.50	32,500	100,000	138,912.50		8,337.50	110,000
19	4,950.00	27,500	100,000	132,450.00		14,800.00	82,500
20	3,712.50	22,500	100,000	126,212.50		21,037.50	60,000
21	2,700.00	18,500	100,000	121,200.00		26,050.00	42,000
22	1,890.00	14,000	100,000	115,890.00		31,360.00	28,000
23	1,260.00	10,500	100,000	111,760.00		35,490.00	17,500
24	787.50	7,500	100,000	108,287.50		38,962.50	10,000
25	450.00	5,000	100,000	105,450.00		41,800.00	5,000
26	225.00	3,000	100,000	103,225.00		44,025.00	2,000
27	90.00	1,500	100,000	101,590.00		45,660.00	500
28	22.50	500	100,000	100,522.50		46,727.50	....
29	....	....	100,000	100,000.00		47,250.00	....
					403,150.00		
Net increased cost					$92,147.50	$403,150.00	

economies tending to shorten the period. After the ninth year, too, there would be additional savings of the sums that would ordinarily be spent on the preparation of bond issues.

This requires, however, a change in attitude and in method. We must cease to consider the taxpayer in so static a fashion, taking each year's budget by itself and each year's tax rate as separate and apart from every other coming before or after. We must give heed to the dynamic continuity of both budget and taxpayer, and realize how the expedients of one year leave their marks during the succeeding years, if not decades. It is necessary to lay out a program of the capital outlays required for a number of years ahead in order of their urgency and the ability to pay for them. It will then be a simple matter to distribute the costs equitably over succeeding years in proportion to the increase in population and wealth.

BORROWING FURTHER DEFENDED

A REPLY TO MR. ZUKERMAN

BY GAYLORD C. CUMMIN

THE writer realized fully when he stepped on the tail of a dogma advocated by "municipal research workers and financial experts" that he would get the usual yelp. It has arrived. It is manifested in the usual manner under such circumstances. My argument is "amazing," and "absurd"—to Mr. Zukerman, which, although perhaps satisfactory to him, is far from being conclusive to others. My statements are twisted and garbled and half digested so that I am made to say things that I never said. Learned and lengthy statements are included that either have absolutely nothing to do with the question, or else are so remotely related to it that they serve to becloud instead of clarify.

MAY BE COSTLY TO PAY CASH

Mr. Zukerman's statement of my thesis as being "that it is more costly to pay cash than it is to purchase on the installment plan if only your credit is good enough" is misleading. It *is* more costly to pay cash than to purchase on the installment plan *if you can earn a higher interest rate on your money than you must pay on the deferred installments*, but this is a very different thing. Mr. Zukerman accuses me of pointing out a way "for us as individuals to become wealthy by borrowing on our excellent credit as a community." It is feared that Mr. Zukerman's natural indignation at a heritical attack upon one of the panacea-ists articles of faith has drawn conclusions somewhat at variance with any statements or intimations in my article.

Passing over without comment the inclusion of compound interest among "higher" mathematics we will consider briefly the accusation of faulty reasoning on my part as the basis for Mr. Zukerman's disagreement with my findings. In the first place my discussion was concerned entirely with financing public so-called "permanent" improvements and had nothing to do with financing the *operation* of the city by temporary loans which is an entirely different question. I am thoroughly consistent in saying that I think undue importance has been given by "municipal research workers and financial 'experts' generally" to the "savings" made by advancing the date of tax collection and this in spite of the eminent authorities quoted, who, incidentally, might possibly be wrong. I will complete this statement, however, by adding that as this financing is for covering the cost of *service*, sound business would require that it be paid for as received. The problematical earnings of the taxpayer on his money for terms of a few months are probably offset by costs of administration, badly placed maturities, etc. I believe that there is not much loss or gain whenever the tax collection date is set during the fiscal year. If it makes the above mentioned "municipal research workers," etc., any happier to change the tax collection date they are doing no harm although in most cases wasting time and energy that might be more profitably employed. But let us return to our muttons.

THE ARGUMENT SUMMARIZED

The reasoning employed in my discussion has four essential elements which may be stated as follows:

1. The financing of a public improvement should satisfy two requirements, *i.e.*, it must be sound from a business point of view and it should be as cheap as possible consistent therewith.

   Mr. Zukerman claims that my argument leaves "no criteria of any kind for determining standards of municipal borrowing." As a matter of fact my article stated clearly that the term of no bond issue should exceed the reasonable life of the improvement for which it pays. To cover the special case of land cited by Mr. Zukerman as being everlasting, conservative financing would judge its "life" as here considered as being that term of years during which the future condition of the community could be reasonably predicted. This should not much exceed a generation, say forty years, as an outside limit.

   Mr. Zukerman has, therefore, totally disregarded the emphasis put upon this point. The writer has always and is still preaching and working against excessive term bonds as against sound business principles. The fallacy of issuing non-redeemable, perpetual interest-bearing securities is absolutely "scotched" by the requirements for a justifiable bond issue as laid down in my article.

2. If a man can borrow money at a lower rate than he can earn on it he can make a profit by borrowing.

   This would seem to be axiomatic.

3. The taxpayer either has or must borrow the money to pay his tax.

   Evidently the statement above covers the only two possible conditions. The taxes referred to by the writer were plainly those covering the cost of "permanent" improvements and not operating expenses, so Mr. Zukerman's able discussion on the average taxpayer's duties in paying for service has no bearing.

4. The use of the taxpayer's money is worth more to the taxpayer than the rate that the community must pay for the use of money.

This last seems to be the only arguable point between the writer and Mr. Zukerman. All the rest of his arguments are either based on misstatements, or misunderstandings of my position or upon matters not pertinent to the subject under discussion.

TAY-PAYERS' MONEY WORTH MORE

The writer contends that the use of the taxpayer's money is worth more to the taxpayer than the rate the city must pay for the use of money, while Mr. Zukerman holds that the statistical abstraction known as the "average taxpayer" cannot find use for the sums at his disposal at better rates than the city must pay for the use of money. It is perfectly true that many taxpayers will not invest their funds to advantage, but there are some who will. All that good public policy can do is to give the opportunity. To argue that the opportunities of the investor for long term use of money are limited to savings bank interest, annuities, etc. is "bunk." Mr. Zukerman apparently thinks that my assumption of 6 per cent as the value of the taxpayer's money means an "extraordinary return." No business man or investor will agree with him, but allow that the taxpayer's money is worth one quarter of 1 per cent more than the rate the city must pay and my argument is good. The writer fears that Mr. Zukerman is unduly pessimistic about investment possibilities and the profitable use of long-term funds. Just how Mr. Zukerman's discussion of the effect of tax exemption enters into the argument the writer fails to see. The fact remains that municipals are tax exempt and this gives them an advantage in market price over rails or industrials of the first class. As long as the condition exists the cities might as well reap their individual advantage from it.

The reasoning in the four numbered paragraphs above is certainly far from being wild. Two of them are self-evident, one a declaration of sound principle with room for difference of opinion as to details and the last open to argument.

Mr. Zukerman deplores the "oversight" of the cost of debt administration. It was no oversight, but if Mr. Zukerman will examine the actual cost of debt administration he will find that it is negligible for purposes of this discussion. It is true that some fool state laws make this cost higher than it need be but even then it is comparatively small.

RESULTS OF RECURRING BORROWING

Mr. Zukerman claims that the writer "slurs" over the results of recurrent borrowing and feels obliged to point out by the use of many figures and much discussion the error of my ways. He has apparently entirely failed to grasp my argument which is perhaps my fault in not going into more detail. However, this is simply a special case of the comparative costs of a bond issue against payment from current tax. Based on the assumption of pay-as-you-go against a 20-year 4½ per cent bond issue figuring the taxpayer's money as worth 6 per cent to him, my discussion showed that a $100,000 improvement cost the full amount on the pay-as-you-go as against $89,525 on the bond issue method. It is fairly evident that each year the city would be faced with the alternative of financing its annually recurring improvement by one of these two methods. The bond issue method is the cheaper to the taxpayer and the fact that in this instance a recurring expenditure is being considered does not change the situation. By no possible means can the sum of annual savings of fixed amount become a loss.

Mr. Zukerman points out the financial mismanagement in handling our public debt. His examples are entirely too mild and not necessarily very bad. The writer can furnish him with a whole chamber of horrors in this connection. He also knows of excellently handled public debt. Buyers of municipal securities can correct all serious evils in debt management by being even a little discriminating in their buying and refusing to deal with cities committing serious financial sins. To urge that cities should not borrow money because they sometimes abuse the privilege hardly seems to be the best solution of the problem of public finance.

In closing it is desired to emphasize the fact that wisely-made public improvements help to pay for themselves and that "posterity" is not suffering if helping to pay for an improvement which it enjoys. The application of the same methods of sound finance that apply to industry, apply to cities also. There is no magic wand that can cure or curb municipal errors, mismanagement or extravagance without bringing other and perhaps worse evils in its train. Many cities are being wisely and economically financed, many are not getting things they need and can afford because of ideas of false economy. The standards of municipal finance are constantly rising, and though evils and bad practices still and probably always will exist there is no present necessity for crippling the ability of a community to progress by saddling it with an economically expensive financial policy to curb "extravagance."

THE DRIVE BY PUBLIC SERVICE CORPORATIONS AGAINST DEPRECIATION PROVISIONS

BY JOHN BAUER
New York City

Is it proper to permit the companies to include in the rate base the properties created through reserves paid for by the public? :: ::

For a number of years there has been a country-wide drive by public utility corporations and railroads against the established depreciation policy. This has become particularly energetic during the past year. The immediate reason for this article is the petition of the Empire State Gas and Electric Association to the public service commission of the state of New York for the modification of the uniform system of accounts relating to depreciation charges and reserves,[1] and the recent appearance of the railroads before the interstate commerce commission against the proposed depreciation rules to be included in the accounting requirements.

THE PREVALENT DEPRECIATION METHOD

The uniform systems of accounts for public utilities in the state of New York have been in effect for nearly fifteen years. The provisions for depreciation have been practically unchanged during the entire period, and had been adopted in substantially the same form by most commissions in other states. Similar accounts have been included in the classifications prescribed by the interstate commerce commission for railroads and various interstate utilities. Depreciation charges and reserves, therefore, have become an established part of the public utility and railroad accounting systems, and are deeply fixed in our methods of regulation.

With unimportant variations, the prevailing provisions for depreciation involve these two requirements:

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[1] Since this article was written, the public service commission of the state of New York has approved the petition and has changed the accounting requirements accordingly. By this action the commission has assumed an inconsistent position; while it has eliminated depreciation charges from the accounts, it continues to include them in the cost of service for rate making and to deduct accrued depreciation from cost new of the properties for the rate base.

This is another evidence of the deadlock in regulation discussed by the writer recently in the REVIEW. A more comprehensive and detailed presentation is about to be published in a volume dealing with the entire problem of effective regulation.

1. In addition to actual repairs and minor replacements of property, charges to operating expenses for the estimated amounts of property worn out in service or otherwise rendered unsuitable.

2. To correspond with the preceding depreciation charges, the creation of a depreciation reserve, against which is charged the original cost of all property retired from service.

The depreciation charges to operating expenses represent the part of the property costs which properly belong to the year's cost of operation, while the depreciation reserve shows the total of all such past charges made in connection with the existing property in service. The periodical charges are credited or added to the reserve, while the cost of plant and equipment retired is debited to or deducted from the reserve. At any point of time, the difference between the cost of the properties in service as shown by the accounts, and the amount of the depreciation reserve shows the undepreciated cost chargeable to future operation. In other words, the property accounts show the total original or actual cost of the existing properties; the depreciation reserve shows the part of such original cost already charged off to past operation, while the difference between the total original cost and the reserve gives the amount chargeable to future operation during the remaining life of the property in service.

Unfortunately, these excellent provisions have been to a large extent empty formalities. The commissions, for the most part, have not had the power, or have not exercised it, to compel the companies to live up to the implied requirements. Moreover the property accounts in most cases do not reflect the actual cost of the property in service as contemplated. The entire accounting supervision over property costs and depreciation has been largely fruitless up to the present. The accounts cannot be trusted to give either the original cost of the property, or the amount of accrued depreciation properly chargeable to past operation, or the undepreciated cost chargeable to future operation.

While the actual accounting practice has been far from satisfactory, nevertheless the basic machinery exists by which the commissions under adequate legislation, could exercise thoroughgoing regulation.

THE COMPANIES' PROPOSAL

Against the generally accepted accounting requirements of charging full depreciation and creating a corresponding reserve, the companies propose to include in operating expenses either the direct cost of renewals or an amount equal to the average cost of replacements for a comparatively short period of years.

The companies assert that the accumulation of large reserves under existing accounting rules is unnecessary. Their view is that after the property has become well established, the annual replacements tend to equalize themselves, and that no reserve is necessary beyond the mere equalization of the annual renewal costs. They urge that the charges to operating expenses should not be any "estimated" depreciation, which is viewed as hypothetical and conjectural, but actual costs of replacements which are definite.

The companies further assert that the depreciation charges place an excessive burden upon the public through high rates fixed for service. If charges in the guise of depreciation are made, they are then included in the costs which determine the rates charged to the public. The depreciation policy, therefore, is challenged as an imposition upon the public to provide large reserves which are never needed for the renewal of the properties.

A special point in the companies' proposal is that of obsolescence. The replacement or retirement of property is often due, not to mere wear and tear, but to progress in the arts. The depreciation system contemplates that such obsolescence shall be provided for through prior depreciation charges, so that whenever a unit of property is retired for any cause, including obsolescence, it can be immediately written off against the reserve and replaced out of accumulated funds. Against this principle, the companies assert that the factor of obsolescence cannot be predetermined and that in any event the cost of improvements should be placed, not upon present but upon future rate payers who get the benefit of the improvement.

The companies have presented their view so insistently and have used the support of so many high standing names in finance and in public utility and railway management, that they have made apparently an impression upon public authorities. They have already succeeded in obtaining their desired accounting changes in a number of states, and their recent appearance before the interstate commerce commission seemed to make a favorable impression upon at least some of its members.

THE MERITS OF THE COMPANIES' CONTENTIONS

As to the merits of the issue, we are dealing here with elementary accounting and financial principles, which should not require a defense except for the extraordinary campaign of the companies. Whether depreciation or renewal costs should be charged to operating expenses, is a simple problem of cost accounting, with an obvious answer. Public utility rates are generally based upon the cost of service, which should be stated correctly at all times to lay the foundations for proper rates. The question, therefore, is what are the actual costs which should be covered by the rates: depreciation or renewal charges?

It seems axiomatic that any unit of plant or equipment is used up in operation during its lifetime, and therefore its original cost should be charged periodically against the operation of that lifetime. The companies' proposal, however, is to postpone the entire charge until the close of the life, and then to include the full original cost in operating expenses. As a matter of common sense, which of these methods is intrinsically correct? Which is the right basis of cost for the establishment at any given time of proper rates for service?

For illustration, we may assume any unit of plant or equipment. Take a street car costing new $10,000, with a lifetime of twenty years. What is the proper charge to operation? Under the depreciation method, the original cost of $10,000 would be distributed approximately evenly over the twenty years, or about $500 a year, as the annual cost of wear and other deterioration. Under the companies' proposal, nothing would be charged until the end of the period when the entire $10,000 would be included in operating expenses. Manifestly, however, the car is used up in the operation of the twenty years, and its original cost should be prorated on the basis of the relative annual use.

The only argument that could be plausibly made to support the companies' view is that in a large corporate property the renewals of the great variety of different kinds of plant and equipment will be fairly equal from year to year, so that roughly the actual renewal costs would approximate the depreciation requirements. To the extent that this is true, of course, the renewals would be equivalent to the depreciation, and would be the same thing under a different name. But the reality is that plant and equipment depreciate during their lifetime, and the cost belongs to each year according to the annual depreciation.

THE EFFECT UPON RATE PAYERS

As to the effect upon the rate payers, the companies appear particularly insincere.

First, let us consider the older properties which have reached an average age and a settled condition. In these cases, if they are large and varied properties, the renewals may be fairly even from year to year. But where this condition obtains, the average annual renewal costs, as already stated, would be the same as the depreciation charges. Assume a street railway company with 1,000 cars in operation, each costing $10,000, or a total original cost of $10,000,000. On the assumption of a settled condition and an average life of 20 years, each year 50 cars would have to be replaced at a total renewal cost of $500,000. But the depreciation rate would be 5 per cent on the cost of the cars, or $500,000 a year. Thus the annual replacement and the depreciation would be the same, and the burden on the public identical.

In the case of newer properties, however, before an average settled condition has been reached, the depreciation charges would be higher than the annual renewals. But depreciation is nevertheless constantly at work, although it begins to manifest itself in actual renewals only in later years. Consequently, rates during the earlier years, based upon replacements, would be lower than if based upon depreciation. Thus the earlier consumers would not bear the full cost of the service and would pay less than the later when full annual replacements are reached. In other words, the earlier rate payers would have an advantage over the later ones at the expense of adequate reserves for the stability of the properties and the service.

EFFECT UPON THE COMPANIES' FINANCES

Besides the primary purpose of stating correctly the cost of service, the depreciation system seeks to preserve the financial stability of the business. It requires that during the lifetime of the various units of property, full provision shall be made for their replacement, so that whenever renewals take place for any cause whatever, funds shall have been provided for the purpose. A company is thus prepared at all times to take advantage of progress and to replace all obsolete or other unsuitable facilities with economical plant or equipment. But, under the replacement policy, it would not make prior provision for obsolescence, and in the face of important advances would find itself unable to finance the desirable improvements.

Moreover, even if under the renewal system a company can finance the improvements, it would nevertheless be compelled to carry a double load of fixed charges. It would have to pay interest on the bonds issued for both the new and the obsolete or abandoned properties. This condition now confronts most of the street railways and many electric light and power properties, also railroads and other utilities. They have not made provision for obsolescence, and they now face either the impossible problem of making desirable renewals without reserves or of carrying a double load of interest charges. On the public side, the benefit of progress is thus grossly retarded.

Rate decreases in either case are deferred long after a reduction in the reasonable cost of service has been made available.

THE PRACTICE OF OUTSTANDING INDUSTRIAL CORPORATIONS

In sharp contrast to the companies' proposal is the fact that the depreciation policy has been gaining rapidly in unregulated competitive business. It has the approval of practically all accounting, engineering, economic, financial and management authorities. It has been particularly adopted by large industrial corporations, which are compelled constantly to watch their finances, to keep their operating or production costs to a minimum, and to meet ever threatening competition.

For example, the United States Steel Corporation (Poor's 1923 Industrial Manual) has a total gross property account of $2,061,000,000. Besides the actual cost of repairs and renewals charged directly to operating expenses, the company in 1922 made an additional depreciation charge of over $47,000,000. Its accumulated reserve for "depletion and depreciation" amounts to $429,451,000. In addition, however, it has an "appropriation for additions and construction" of over $140,898,000, a reserve for "contingencies, pension and miscellaneous funds" of over $133,337,000, and besides a general surplus of $499,139,000. The total stated reservations out of past earnings thus amount to about $1,200,000,000, or 58 per cent of the property account of $2,061,000,000. This provision of reserves is far beyond the standard contemplated for public utilities and railroads, but it places the company in a super-safe financial position to meet all probable industrial changes; to discard plant and equipment ruthlessly whenever superior facilities are available.

Space forbids a survey of other outstanding business corporations in relation to their accumulation of depreciation and allied reserves. But it is safe to say that the majority of large industrial concerns have adopted a liberal depreciation policy, providing adequately for all desirable replacements, with the purpose of safeguarding beyond question the financial security of the business. This is the only way by which they can meet all pressing and latent competition.

The reply may be made that the public utilities are to a large extent protected from competition and therefore do not need to meet depreciation before the actual time of renewals. But the fact that there is immediate freedom from direct competition, is no reason why a sound financial policy should not be followed. A burden of fixed charges for obsolete properties at a time when new facilities are urgent is just as disastrous for public service corporations as for industrial enterprises.

PROBABLE UNDERLYING REASONS FOR THE COMPANIES' POSITION

It is improbable that most of the public utility and railroad companies are sincere in their championship of renewal versus depreciation charges. Their real purposes, with perhaps some exceptions, are not disclosed in their discussion. Their concern is not either to keep operating expenses down and rates low, or to prevent the accumulation of reserves that may not be needed for replacements. Their chief purposes are probably two-fold: (1) to free themselves from the financial restrictions imposed by the commission's accounting requirements (if these were effectively enforced), and (2) to establish through a flank movement the position that rates should be based, not upon the cost of the properties less depreciation, but upon reproduction cost without deduction for depreciation.

The first point is the less important and in some instances probably does not figure at all. But many companies have already accumulated substantial reserves under the commission's accounting requirements. So long as these have the force of law, the reserves must be kept inviolate for the purpose of their creation. If, however, the companies' proposals were accepted, the accumulated reserves would be freed for any corporate purpose whatsoever. They might be invested in permanent improvements, upon which a return would be demanded in the rates, or distributed in stock or cash dividends. In other words, while the reserves were accumulated through charges to operating expenses which were included in the rates charged to the public, the companies propose now to treat those reserves as surplus without regard to the fact whether they have earned besides a fair return on their investment.

But the chief purpose is to support the companies' contention for reproduction valuation without any deduction for depreciation. This has been the center of conflict in regulation. The commissions have mostly held the view that the proper basis of return, or rate base, is the actual cost of the properties used in public service, less depreciation. This is consistent with the accounting requirements relating to depreciation.

During the period of rising prices, especially since the war, the companies have been urging more and more insistently that the return should be based upon reproduction cost of the properties without deduction for depreciation. As to the latter, however, they have felt themselves in a manifestly inconsistent position. If they include depreciation charges in operating expenses and accumulated a depreciation reserve through payments by the public, how can they at the same time without embarrassment ask a return on the reproduction cost of the entire property without deduction for depreciation? But if the accounting requirements were modified and the reserves were unlocked for any corporate purpose, then they could maintain more plausibly their position. To support their view, therefore, they are eager to eliminate from the statutes, the accounts and regulations of the commissions all references to depreciation. They wish to exterminate the entire concept, otherwise the idea is bound to interfere with their demands for reproduction cost without deduction for depreciation.

The question of whether depreciation should be deducted from the cost new of the properties, involves many billions of dollars in the various public utilities and railroad properties throughout the country. No change should be permitted by the commissions in accounting methods which in a left-handed way would help the corporations to establish a basis of valuation which is not justified by the facts.

The public has no objection to paying the cost of service, including depreciation and accumulating adequate reserves, provided that the funds are safeguarded and are not then included in the valuation on which rates are based. This is the crux of the matter. The companies now wish to include in the rate base the properties created through reserves paid by the public. If this were permitted, it would be palpably unjust to the consumers, and the purpose should not be advanced indirectly by permitting a departure from correct accounting methods.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Traffic Casualties.—Illuminating disclosures in respect of traffic casualties in nineteen American cities were recently made public by the commission of publicity and efficiency of Toledo, Ohio. The cities from which these data were obtained ranged in population from 888,500, that of Cleveland, Ohio, to 241,800, which is the population of St. Paul, Minn. The conditions disclosed may be said to be representative of conditions obtaining in our larger cities. It is of interest to note that during 1922–23 over 80,000 persons were killed or injured as the result of traffic accidents in those nineteen cities. Any comparison of traffic accidents *per se* occurring in different cities is not sound on account of the lack of uniformity in the determination of what constitutes an accident. As some cities only consider as accidents, those occurrences which result in personal injury, the latter constitutes a fairer index of comparison. Analyzing, on this basis, the information obtained from the above cities, it was found that traffic injuries increased 34 per cent in 1923 over those of the previous year, while the increase in motor vehicles registered in those cities ranged from 20 to 30 per cent.

An increase in accidents alone does not prove that the traffic menace in a city is growing. A more determining factor is the increase in the number of motor vehicles. Thus, although the number of traffic accidents in Cleveland during 1923 showed an increase of 25 per cent over 1922, the number of motor vehicles on the streets of that city in 1923 was 28 per cent greater than during the preceding year. Other cities could profit with advantage from the experience of Cleveland in meeting its traffic problem. Although in population one of the largest cities in this country, it ranked thirteenth in the number of accidents per 1,000 population during 1923 and thirteenth in the number of traffic injuries per 10,000 of the nineteen cities in which conditions received particular study. A wide disparity was found among the latter in respect of the number of traffic casualties. Thus three Pacific Coast cities, Seattle, Los Angeles and Portland, have the undesirable distinction of leading the others in the number of injuries per 10,000 population. Thus Seattle, which has about the same population as Rochester, N. Y., showed double the number of traffic injuries during 1923 as the latter city. Also the cities of New Orleans, St. Paul, Minn., and Columbus and Toledo, Ohio, during 1923 had about one-third the number of traffic injuries per 10,000 as the Pacific Coast cities.

Careful consideration should be given, by the latter cities, to the contributing causes for the high traffic hazard prevailing in these places. The relation between provision made for traffic control by different cities and the number of traffic casualties in those communities is of interest. An analysis of these factors indicates that as the number of traffic officers per 100,000 population increases the number of traffic casualties decreases. Each additional traffic officer apparently represents an annual saving in property, life and limb. The outstanding exception to this is the city of Los Angeles which with the maximum police traffic protection of the cities surveyed shows the largest number of traffic injuries. This situation would seem to demand drastic action on the part of both the public and the city government directed towards remedying an intolerable condition.

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Combined Treatment of Sewage and Garbage.—Final disposition of municipal garbage by grinding and subsequent discharge of this material into an outfall sewer which conveys it to sewage treatment works, are features of a plan designed to provide necessary service in this matter for the city of Lebanon, Pa. The population of Lebanon according to the 1920 census was 24,643. The city has a separate system of sanitary sewers and treatment works comprising Imhoff tanks, chlorine dosing tanks and sprinkling filters. According to Dr. Clarence R. Fox, City Chemist and Mr. W. S. Davis, city engineer of Lebanon, who describes the main features of this plan in the *Engineering News-Record*, the volume of sewage treated at the plant approximates 8,000 tons per day of which about 0.2 per cent is solid matter. It is estimated that from ten to twelve tons of garbage will be collected daily and conveyed to the grinding plant which is to be located over the main outlet sewer near the center of the city. As garbage consists of from seventy-five to eighty per cent water it is estimated that the solid matter added to the sewage under the proposal arrangement will not exceed three tons per day. This represents an increase of about nineteen per cent.

At present garbage and other classes of municipal waste produced in Lebanon are collected by private scavengers at a cost to the individual householder said to be about $7.80 a year for the service. Final disposition of waste is by dumping, and apparent lack of control over this work by the municipality has resulted in conditions alleged to be generally unsatisfactory. The proposers of the plan in question estimate the total cost of collection and disposal to be not over $4.00 per ton. Assuming that the entire community is to be served in each case, this would indicate a cost comparable to the present one under conditions that should eliminate the undesirable features of the present arrangement. Just what the effect of this method of disposal would have on the operation of the sewage treatment works offers an interesting field for speculation. The increase in the solid matter of the sewage treated would probably necessitate additional capacity particularly in the sludge digestion chambers of the Imhoff tanks and enlargement of sludge drying beds. Also cost of final sludge disposal would be increased.

There are substantial difficulties in securing satisfactory operation of Imhoff treatment works with sewage of a normal consistency. Whether or not the introduction of a considerable amount of additional organic matter would increase the burden of a plant of this type so as seriously to interfere with efficient operation and demand possibly extensive expenditures to accomplish the latter is problematical. There might be some question whether adequate municipal control over collection and disposal by dumping would not have ensured satisfactory results without resorting to other methods. Obviously the proposed arrangement will require complete separation of garbage from all classes of waste. This is difficult of accomplishment in a community accustomed to mixed collection. The plan is, however, a novel one and deserves a fair trial.

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Corrosion Said to Contribute to Water-Borne Disease Epidemic.—Another water-borne disease epidemic due to an unusual combination of causes took place recently in South Pasadena, California. According to the *Engineering News-Record* this epidemic is attributed to contamination of the public water supply by leakage from a sewer which gained access to a low-pressure water pipe through holes believed to have been made by the corrosive action of sewer gas. The contaminated supply was obtained from three 12-inch wells, 250 feet in depth which tap a water plane located 70 feet below the surface. This water is delivered to collecting sumps or reservoirs located adjacent to the wells from which a part of this supply flows by gravity to the pumping station through a 12-inch riveted steel pipe line which was installed about fifteen years ago. At a point where the steel pipe line crossed directly over an 8-inch vitrified sewer, the steel pipe was found to be badly corroded with about a dozen holes varying from the size of a pinhead to one-fourth inch in diameter. The sewer had a cover in this vicinity of about two feet nine inches and investigation disclosed a longitudinal crack in the crown of the sewer through which it is probable that sewer gas escaped in sufficient amount to corrode the water line. It was further ascertained that during the two weeks just before the epidemic and on previous occasions, the main sewer system into which the line in question discharged, had overflowed as the result of stoppage, sufficiently to back the sewage up about a foot higher than the top of the steel water pipe. This condition together with the corrosion afforded a means for the direct contamination of the water supply. Prompt action in replacing the corroded water line and disinfection of the water in the reservoirs apparently arrested the outbreak before a serious situation developed. From the printed report on this epidemic it would appear that more effective control over the quality of the water supply of South Pasadena would have prevented its occurrence. Also the conditions contributing to this outbreak illustrate the importance of efficient sewer maintenance to guard against stoppages of the system together with the necessity for careful protection of water lines from corrosive action such as took place in this particular case.

*

Preventing the Misuse of Sewers.—The prevention of misuse of sewers by exercising suitable control over the placing and use of all connections to public sewerage systems, does not, in most communities, receive the attention that this important matter deserves, although failure to do this increases materially the cost of operating these systems and can cause serious economic loss to the community. This is due to the fact that sewers are designed to provide certain definite service and when this service is modified materially there results a misuse of the sewer. Thus storm sewers are designed to carry off surface water. The introduction of sewage or industrial waste of any kind into a storm drain constitutes a misuse of that drain. Similarly sanitary sewers are designed to provide for carrying off house sewage only and are misused if surface, subsoil or roof drainage together with any kind of industrial waste is discharged into these sewers. Combined sewers are likewise misused by the introduction into the system of certain classes of industrial wastes.

Certain of the results that follow the misuse of sewers have been outlined by W. H. Dittoe, chief engineer, Ohio state department of health, in a paper appearing in the *Transactions* of the American Society of Civil Engineers substantially as follows:

The effect of the misuse of sewers is frequently quite serious. Sewage discharged into storm sewers causes nuisances at outlets and offensive odors through street inlets. If such practice is permitted, the benefits to be expected from a separate sewerage system are not realized. The admission of surface and subsoil drainage to sanitary sewers overtaxes the sewerage system, resulting in cellar flooding and damage to sewers, and overburdens the pumping equipment and sewage treatment works, necessitating by-passing of the flow, impairing the efficiency of the plant, and frequently causing rapid deterioration. Industrial wastes often cause clogging or may actually destroy the sewers if the wastes have solvent properties. Many industrial wastes also interfere seriously with the efficiency of sewage treatment plants. Of the more troublesome industrial wastes, may be mentioned: Wastes from tanneries and glue factories containing hair and lime; wastes from textile industries containing cloth, fibrous material, and objectional compounds in solution; wastes from canning factories containing vegetable particles; wastes from stockyards containing manure; wastes from packing plants containing animal offal; gasoline wastes from garages; acid wastes from metal industries; wastes from milk industries; and gas-house wastes. Such wastes should be treated properly prior to their discharge into the public sewers, or they should be excluded entirely.

It is obvious that the proper use of sewers cannot be secured without strict enforcement of ordinances and regulations by the proper municipal officials. The sewer contractor and the property owner cannot be expected to realize the importance of using the sewers properly and for the purposes for which they were designed to function, and, therefore, they must be controlled in order that the public may not suffer from their mistakes.

Many municipalities have satisfactory ordinances and regulations, but fail to enforce them. Such ordinances usually require permits for connections to the sewers and provide for inspection of the connection by a representative of the municipality after the contractor has completed the construction work and before the trench is filled. Theoretically, this control should be sufficient, but too frequently the results are far from satisfactory. In many instances, the construction work is faulty, joints are made imperfectly, admitting ground-water to the sewer, the inspection is neglected or performed carelessly, improper wastes are admitted, and no proper record of the connection is maintained. When this system of control is started improperly, it is difficult to correct it and make it efficient, and usually the conditions become worse rather than better, until the sewer system is generally abused.

NOTES AND EVENTS

Connecticut Begins Crusade to End Sign Peril.—Hundreds of signs and billboards have been ordered removed from the state highways by the Connecticut state highway department. In some cases the state police are investigating the more flagrant violations of the statute against dangerous billboards with a view of prosecution. Most of the signs are *prima facie* illegal because they are placed at dangerous curves or intersections where they most easily catch the eye of the motorist, but where the most careful attention of the driver is needed to avoid accident.

◆

Massachusetts City Votes Against Recall.—Mansfield, Massachusetts, has passed through an exciting time which hinged on the solicited resignation of the former town manager. Recall petitions were issued against the three selectmen who compelled the resignation of the manager, but the people voted to retain them by a balance of over 200 votes. The manager form is now in its fourth year in Mansfield, but there has been some friction arising out of the selection of selectmen. It would seem to the advantage of the city to abolish the old-fashioned town meeting and substitute the Australian ballot for the election of the governing board.

◆

Detroit Tax Dollar.—A recent issue of *Public Business*, published by the Detroit Bureau of Governmental Research, is devoted to an exposition of the city budget for 1924 and 1925. Included is a table showing just how the citizen's tax dollar has been spent. Approximately 24¼ cents go to the public schools, 18½ cents for debt charges, 12 cents for police protection, 8¾ cents for fire protection, 6½ cents for street cleaning, 6¼ cents for repaving and repairing streets, 2¼ cents for hospitals and 3½ cents for public health services, and 5¼ cents for general administration.

◆

Detroit Considering Civil Service Control for Street Railway Employees.—The Detroit street railway commission is considering placing the employees of the municipal railway under the jurisdiction of the civil service commission. The move is being held up at present by the controversy with the union platform employees, but there is reason to believe from the expressions of members of the commission that the final decision will be favorable. The commission, of course, is anxious to retain the same freedom as heretofore with respect to the management of the men, but there is no reason to believe that a civil service commission would embarrass them at this point.

◆

New Traffic Regulations for New York.—A cruising taxicab constitutes a serious traffic problem to a greater extent in New York than in our other cities. Any man who can beg, borrow or steal sufficient money to buy a second-hand car and pay for a license can enter the taxicab game. These drivers are known as "buckers," and must depend upon fares which they pick up at the curb.

By a recent order, cruising vehicles are prohibited from operating on Fifth Avenue from Waverly Place to Sixty-fifth Street, and on Broadway between Twenty-third Street and Fifty-ninth Street, between 8 o'clock in the morning and 12 o'clock midnight. More rigorous parking regulations also have been established on several busy streets, prohibiting a vehicle during certain hours of the day from standing at a curb except while actually engaged in receiving or discharging passengers and merchandise.

◆

Berkeley Shows a Profit.—Despite the fire disaster during the past year, City Manager John N. Edy brought Berkeley to the close of her first fiscal year under the manager plan with a surplus of more than $99,000. In recognition of Mr. Edy's excellent work, the council raised his salary from $7,500 to $10,000.

A significant item in the new budget covers the expense of classifying all Berkeley buildings for assessment purposes. This will be done by the city assessor and will require two years to complete.

Smaller cities are able to cut also when the government is efficient. Thus the city manager of Sapulpa, Oklahoma (population 11,600), has made a cut of $20,000 in the budget presented to the council to cover the next year.

⁂

Staunton Pleased with Sixteen Years of Manager System of Government.—The *Virginia Municipal Review* publishes an account of sixteen years of city manager government in Staunton from the pen of Willard F. Day, the present manager. In 1908 the city council of Staunton (population 10,600) passed an ordinance employing a general manager to have charge of all the city departments under the supervision of the council, thus becoming the first city in the United States to adopt the plan. Later, in 1920, she adopted a charter continuing the city manager but reducing the bicameral council to a single body of five members.

The city is reported to be in excellent shape financially, to have more than 22 miles of improved streets which cover practically all the developed areas within the corporation limits, and to furnish water and electric current at low cost from municipal plants. She has a park of 156 acres, which includes a golf course. The city does its own street construction and maintenance work, for which purpose it operates a stone quarry. Concrete sidewalks are laid by the city forces, on request of the property owners, the cost being divided equally between the city and the owner.

⁂

Activity for Manager Charters in Various Cities.—The extra-legal commission, convened at the instance of the Seattle Municipal League, has reported a city manager amendment to the Seattle charter. This amendment is being referred to the council, and after discussion and passage by the council will be voted on by the people.

By unanimous vote the city commissioners of Fresno, California, have instructed the city attorney to draft amendments to the charter to provide for manager government. Next to Michigan, California has the greatest number of municipalities under the manager form.

The board of freeholders elected last spring to frame the city manager charter for Kansas City, Missouri, is now at work. The final draft must be submitted to the voters before February 26, 1925.

Favorable progress is reported towards a new manager charter for Trinidad, Colorado. Petitions are in for an election at which the people will vote on the question of calling a charter convention to draft the new document.

⁂

Conference on Government and Politics at University of Minnesota.—Twenty-five persons, including candidates for the legislature, teachers of civics, and leaders in women's clubs, attended a five-day session at the University of Minnesota, in June, to consider the subject of (1) American Government, (2) The Government of Minnesota, and (3) Political Parties and Party Issues. The conference was conducted jointly by the Political Science department and the General Extension Division with Professor Victor J. West, Leland Stanford University, and Professors C. D. Allin, William Anderson, Harold S. Quigley, John M. Gaus, and Morris B. Lambie of the University of Minnesota taking part in the discussions. Opportunity was afforded for special research work upon particular problems of government. This was the first conference of the kind given at the University. It is probable that it will be made an annual event.

⁂

Overlapping Government Is Recognized as Extravagant.—In connection with Mayor Nelson's article in this issue urging the elimination of overlapping city and county government, it may be interesting to know that discontent which promises to be effective is arising in other cities where two governments now do the work of one.

Mayor Hoan of Milwaukee urges complete consolidation of the city and county of Milwaukee. The Milwaukee City Club is advocating that the health departments of the city and county be merged, but the mayor would go further than this.

The Toledo *News-Bee* points out several ways in which the next legislature can lessen the tax burden and financial difficulties of Ohio cities. It believes that that part of Lucas county which is occupied by Toledo and immediately adjoining territory should be cut off from the county government and that the county functions should be turned over to the city. It furthermore urges the consolidation of the school government with the municipal government. The residents of Toledo, instead of maintaining three organizations, would then support but one. The reasons given are increased efficiency and economies, running into hundreds of thousands of dollars.

The Wichita *Beacon* says there is no good reason why Wichita and Sedgwick county cannot be joined so as to prevent the expensive duplication which now exists. For example, the city manages an expensive city jail and the county has just completed an expensive county jail. Both the city and the county have costly police departments. The *Beacon* points to the success of manager government in Wichita and urges that it be extended to the county by consolidating the two units.

⁂

Trackless Trolleys in Philadelphia.—On October 14, 1923, the Philadelphia Rapid Transit Company began operation of trackless trolleys on a route comprising a round trip of 5.61 miles. Seven cars, out of a total of ten owned by the company, are operated during the periods of maximum service. The cars, which are operated by one man, have a seating capacity of 27, and are run on the pay-as-you-enter plan. A fare of seven cents, or four tickets for 25 cents, the regular city fare, is charged, and free transfer privileges are allowed.

The trackless trolleys provide transportation in a section of the city where service was badly needed, but where immediate construction of permanent track was not warranted. They have proved popular with the public, a total of 362,577 passengers having been carried during the first two and one-half months of operation. Although the trackless trolleys can be operated at a less cost than gasoline-motor busses, the report of the Philadelphia Rapid Transit Company for 1923 shows that, with the exception of the first half month, they were run at a financial loss in that year. The net income obtained in the first half month is said to be due to "curiosity riding."

C. A. Howland.

⁂

Less Than Half of Our Citizens Vote.—Senator Jones of Washington, speaking recently of the indifference of the people to elections, presented a tabulation made by Mr. Ashmun Brown of the *Providence Journal* which discloses a startling condition in a nation whose sovereignty lies in its citizenship. In the forty-eight states of the Union, according to the census of 1920, there were 54,128,895 citizens of voting age. Of these only 26,657,574, or less than half, took part in the presidential election of that year, while the total vote cast for senators and representatives in the elections of 1922 was only 20,579,191. That is to say, less than two out of every five voters went to the polls.

Analysis of the detailed vote shows that in the last presidential election the largest number of votes cast in any state was 75 per cent of the number of those entitled to vote. Thirty-one of the states recorded a vote greater than 50 per cent of the total number of eligible voters. Eight states recorded a vote of less than 25 per cent of their voting population. These eight had a total of 96 votes in the electoral college, an interesting fact in connection with the current discussion of the possibility of the vote there being tied.

In the congressional elections of 1922 thirty states recorded a vote of less than 50 per cent of their citizens. The highest percentage, 66½, was recorded in North Dakota, which has three representatives, and the lowest, 3.8, was recorded in Arkansas, which has seven representatives.

In none of the thirty-five senatorial elections of 1922 did more than 50 per cent of the eligible voters participate, and in fifteen of these the vote recorded was less than 25 per cent of the number of citizens qualified to take part. The highest percentage was 41.9, in Nevada, and the lowest 5.3, in Georgia.

Making all possible allowances for changes in these percentages if it were possible to obtain accurate information as to the number of citizens who are unable to vote, for one reason or another, these figures indicate pretty clearly where blame lies for conditions in the legislative branch of our government against which it is the fashion now to inveigh. In all the criticism levelled at our senators and representatives it is seldom charged that they are unfamiliar with the political situation in their own constituencies. They take great credit to themselves for knowing exactly what their constituents want, and to the congressional mind, which can upon occasion be pitilessly logical, a constituent is a voter. The man or woman who doesn't vote simply doesn't count on election day, and election day is the reddest of all red days on the senatorial and representative calendar. Those who don't count on election day have but slight chance of counting on any other day. When we are inclined, therefore, to condemn congress as being unrepresentative, it would be well to remember that congress doesn't have to be even 50 per cent representative in order to meet the wishes of those who do the electing.—

The Budget.

⁂

An Economy Program for German Municipalities.—A recent article in the *Zeitschrift fuer die Kommunalwirtschaft* summarizes the recommendations that were agreed upon last December by the administrative heads of the Rhine Westfalian cities of 100,000 and more inhabitants. The author, the mayor of the city of Süchteln, takes the phrase "retrenchment is trump" as the text of his article. As this has a familiar sound in municipal circles in this country, it will be of interest to consider in what way the German officials aim to realize their retrenchment program.

The following summary will indicate the character of the proposals adopted. In the selection, relative importance and similarity of conditions in Germany and the United States were determining factors.

The suggestions are considered under two headings: (1) reduction of services and positions, and (2) general measures of economy.

Reduction of Services and Positions.—Here are found the following proposals: elimination of the clerical forces in the higher and middle schools, the dissolution, or at least the limitation, of the central chancelry (office responsible for clerical work and routine administration) by means of the more general use of typists and stenotypists, the reduction of the work of accounting by doing away with the antiquated methods of control, abandonment of the policy of printing reports of the administrative branches, simplification of the methods of reporting committee sessions and the elimination of stenographic reports of the council meetings. It is further suggested that savings may be brought about by cutting down the services along the following cultural or welfare lines: reduction of the personnel of the libraries and archives by limiting the hours for reading and taking out books; reduction of the activities of the municipal theaters and orchestras; limitation of the work of the bureaus for vocational guidance; provision of a smaller number of welfare nurses, home visitors, travelers' aids and playground and recreational directors; and finally, the elimination of the dental treatment of the school children, and possibly, after a careful investigation, the marked reduction of the anatomical pathological work now provided in the hospitals.

General Measures of Economy.—These have to do largely with the privileges and working conditions of the civil personnel, although some of them deal with the purchase and handling of materials of various sorts.

One of the most important recommendations in this category is the increase of the hours of work for the staff so far as permissible under existing legal regulations. It is also urged that the vacation period be shortened and that all special leaves of absence be charged against the summer vacation except in cases of special urgency as, for instance, death or marriage in the immediate family. It is further suggested that the officials serving as staff representatives on committees limit to the utmost their activities in these matters during the office hours. A restriction on the special street car privileges now enjoyed by civil servants is recommended. Finally, it is strongly urged that smoking be prohibited during working hours, at least whenever officials come into contact with the public.

In the name of more economical use of time, the proposal is made that the gas, water and electrical meters be read by the same officials at one and the same time, also that the charges for these services be collected simultaneously.

Sweeping recommendations are made as to the desirability of central purchasing. This would cover office and cleaning supplies, fuel, food for public institutions and fodder for animals. It is urged further that average amounts of writing and drawing materials for various offices be worked out, presumably in the thought that they may be ordered in quantity.

The author of the article "Bürgermeister Steinbuechel" recognizes how drastic some of the proposals are, particularly those that affect the rights and privileges of the officials. He assures them in the first place that necessity knows no law, and then appeals to them to lead the way in making sacrifices since the salvation of the country is at stake.

This article is significant not alone because it shows to what straits the German officials have come, but it also contains more than one hint as to ways and means of making the shrunken tax dollar go a bit farther.

William E. Mosher.

*

Virginia Centralizes Purchasing.—Virginia has now dressed ranks with the movement to centralize purchasing of state supplies, which has long been an issue there as it has in several other states.

In 1918 the Commission on Efficiency and Economy, after investigation of the operation of centralized purchasing elsewhere, strongly recommended to the assembly that Virginia should follow suit. A member of the commission was delegated to draw up and introduce a suitable bill to the legislature. He did his work all too well!

His stenographer, at his direction, copied the New Jersey statute on purchasing, passed two years previously, but failed to substitute "Virginia" for "New Jersey" at the proper lines. The bill was introduced; the clerk read "The legislature of New Jersey enacts as follows"; and the movement expired amid a gale of laughter.

Two years later a bill was passed which centralized the state purchasing in name only. The purchasing agency was given authority to purchase supplies only for those state departments or institutions which *requested* it to do so. This optional arrangement resulted as might be expected. The using agencies of the state elected to turn over to the central agency only those supply requirements which were in themselves difficult to procure and had little patronage value. Under such circumstances, little, if any, savings were demonstrated over the prices paid by the using agencies when purchasing independently.

The Commission on Simplification of State Government, appointed by the extraordinary session of the legislature in 1923, recommended that purchasing for the state be centralized in fact as well as in name. A bill was introduced by the commission, was enacted as Chapter 392, Laws of 1924, and on July 1 superseded the former so-called state purchasing agency which had been in operation since 1920.

Responsibility for supervising the state agency and for determining its policies is vested in the state purchasing commission, composed of the governor as chairman, the treasurer, and the auditor of public accounts, who serve in this capacity without additional compensation. The commission has authority to adopt and amend rules and regulations prescribing the purchasing procedure, to determine what supplies may be purchased locally by the using agencies without intervention by the central agency, and to establish standards wherever practicable. Twenty-two other states at present administer their purchasing system through a board or commission. In seven of these the board is composed of elective state officials serving *ex-officio;* in the others the board is composed wholly or in part of appointees.

An "advisory standardization board" is provided in Virginia to assist the state purchasing commission in establishing suitable standards and in formulating a satisfactory policy. This board is to be composed of the state purchasing agent and the heads of various state institutions, who may be selected by the governor. A similar board is maintained in New Jersey and Massachusetts as an adjunct to the purchasing commission.

The central agency is given authority to purchase for all using agencies except the state highway commission, and all supplies, materials, and equipment except the following:

1. Contractual services, such as telephone and telegraph, power, light and heat.
2. Material used in construction contracts.
3. Books for the Virginia State Library and technical instruments or equipment needed by any state agency.
4. Automobile license plates.
5. Supplies needed in emergencies.
6. Perishable supplies, such as fresh fruit and vegetables, and such other articles as are specifically exempted by the state purchasing commission.

The Virginia law, if properly administered, should provide the means for bringing about a considerable reduction in supply cost for the taxpayers of the state.

RUSSELL FORBES.

*

An Unfavorable Zoning Decision in New Jersey.—The cause of zoning in New Jersey has suffered a set back due to an unfavorable decision recently rendered by the highest court of the state in a case involving the right of the municipality to exclude retail stores from residential districts.

The history of the case is briefly as follows: The town of Nutley passed a comprehensive zoning ordinance on March 28, 1922. A certain man, by the name Ignaciunas Kalikatas, purchased three months after the passage of this ordinance a corner lot in a section of the town which was classified in the ordinance as a residential district in which stores were not to be erected. He decided, nevertheless, to build a store but was refused a permit by the building inspector. Whereupon he applied to the court for a writ of mandamus to compel the inspector to issue the permit.

The supreme court of New Jersey rendered a decision on August 15, 1923, in his favor on the ground that the ordinance prohibiting the erection of stores in a residential district was not a valid exercise of police power and was violative of the "due process" clause of the Federal constitution. Judge Katzenbach who wrote the decision declared that "the right to acquire property, to own it, to deal with it and to use it, as the owner chooses, so long as the use harms nobody is a natural right"; that in the instance before it, the use of the property for store purposes did not, in the court's opinion, reasonably endanger public safety, health or welfare, and that consequently the abridgment of the contemplated use was an invasion of the inherent and constitutional rights of the owner of the property.

The judge could see no relation between stores and noise, declaring "some stores are noisy; some are quiet. The same is true of homes." He could not agree with the contention that sidewalks and roadwalks in the vicinity of stores are more dangerous to children and aged people than in residential districts, stating that "there are streets in many residential dstricts which are by reason of being well paved or through thoroughfares more used by trucks and pleasure cars than streets in commercial districts and so rendered more dangerous to pedestrians"; and rejected the argument that stores create litter and dust and therefore are deleterious to health and increase fire hazards, on the ground that "litter, dust, pieces of paper and refuse are found about many neglected homes" and that "the fact that in some instances stores may have been in this condition affords no justification for assuming that the proposed store . . . will be kept in this condition."

An appeal from this decision was taken to the court of errors and appeals, the State League of Municipalities, the State Chamber of Commerce and allied municipalities and chambers of commerce joining with the town of Nutley in the appeal. Mr. Spaulding Frazer submitted a brief on behalf of the municipalities and Mr. Frank H. Sommer, dean of the New York University Law School one on behalf of the chambers of commerce.

The court of errors and appeals sustained Judge Katzenbach's decision on May 19, 1924, but on somewhat different grounds. The constitutional issue which was the basis of Judge Katzenbach's decision was specifically excluded from consideration by the higher court, Chief Justice Gummere, who wrote the opinion, declaring that it need not be considered, for the ordinance in its application to the property of the complainant was not authorized by the statute. For the statute declares that the regulations of the ordinance "shall be designed to promote the public health, safety and general welfare" and this purpose was not served, in the opinion of the court, in this case. The court made a distinction between the erection of a store building and its use for the store. It conceded that the "owner or the occupier of the store, after it is erected, might attempt to conduct therein a business which threatened public health or public safety" and which the municipality may then have to restrain, but it refused to concede "that the mere presence of a store building in the so-called residence district . . . is in itself a menace to the public health and public safety, notwithstanding that the business carried on therein will not constitute such a menace."

The court also conceded that the presence of the store, without regard to its use, would be objectionable to other property owners in the immediate neighborhoods, but held their objections "quite immaterial, for such property owners had not acquired the right to impose upon owners of other property in the vicinity any restrictions upon the lawful use thereof." The restriction authorized by the statute upon the untrammeled use of property for the promotion of the general welfare of the community, in the opinion of the court, "must be such as will tend in some degree to prevent harm to the public generally or to promote the common good of the whole of the people of such community." That the prohibition by the town of the erection of such a building, as contemplated by the complainant, will not have such an effect seemed to the court "manifest."

Many friends of zoning in New Jersey are very hopeful that this decision will not interfere with the exclusion of stores from residential districts. They pin their hopes on the new statute enacted during the last session in place of the former law. It is the so-called model zoning law. Its strongest feature, emphasized by E. M. Bassett in a letter to the State League of Municipalities, is the provision for boards of adjustment to which complaints may be taken for adjustment and whose decisions are reviewable in certiorari by the courts. With an arrangement of this nature, it is felt, ample opportunity will be given to the property owner to protect himself against arbitrary or unjust restrictions of his property rights. The municipalities are urged to adopt new ordinances in accord with the new law and set up the boards of adjustment. It is thought that with these safeguards the courts will sustain the exclusion of stores from residential districts.

Paul Studensky.

STATE WELFARE ADMINISTRATION AND CONSOLIDATED GOVERNMENT

By

C. E. McCOMBS, M.D.

National Institute of Public Administration

The history of state public welfare administration shows a constant trend toward centralization of authority in boards of control. From boards of control to "one man control" is a logical next step.

Supplement to the
NATIONAL MUNICIPAL REVIEW
August, 1924 Vol. XIII, No. 8

Published by
NATIONAL MUNICIPAL LEAGUE
261 Broadway, N. Y.

STATE WELFARE ADMINISTRATION AND CONSOLIDATED GOVERNMENT

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THE progress of the present movement in state administration toward the elimination of administrative boards and the centralization of administrative authority in single heads appointed by the governor and responsive to him has recently been summarized in the NATIONAL MUNICIPAL REVIEW by A. E. Buck of the National Institute of Public Administration.[1] It is assumed, therefore, that readers of the REVIEW are thoroughly informed of the principles on which such reorganizations have been based and the forces which have impelled this movement toward what has been called "one man control."

PUBLIC WELFARE ADMINISTRATION A MAJOR ISSUE IN STATE GOVERNMENT

Among the major problems of reorganization of government according to such principles is that of administration of those activities formerly referred to as "charities and corrections" but now, more euphemistically, as "public welfare," that is, mainly, the care of the dependent, defective and delinquent in hospitals, sanatoria, homes for adults and children, industrial schools, reformatories and prisons. According to the report of the United States bureau of the census in the *Financial Statistics of States* (*1919*), the total cost payments of the forty-eight states for the administration of all general departments of government amounted to $542,661,141 of which $126,950,221 or about 23 per cent was devoted to state hospitals, homes, and correctional and penal institutions.[2] In Utah, out of a total cost payment of $4,047,023 for all general departmental services, $378,959 or 9.3 per cent was for such institutions; in Missouri out of $14,542,349, $6,624,624 or 45.5 per cent was for these purposes. In sixteen states over 25 per cent of the total cost payments for general departmental services was devoted to state institutions of the type named. Although more recent information on state expenditures of this character is not available, it can safely be assumed that the situation existing in 1919 still exists. In many states, in fact, in the majority of states, more is being spent for charitable and correctional institutions than for any other direct public service, except education. The magnitude of the sums so spent for institutional services is indicative of the economic importance to the state of their efficient administration. This is clearly a matter deserving the most careful study and requiring, on the part of those concerned with it, profound social sense and practical business ability. It is also one in which the public is, or should be, especially interested because of the tax burdens which the maintenance of state institutions imposes, and because such institutions deal with the most vital human relations between government and its citizens.

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[1] "Administrative Consolidation in State Governments," by A. E. Buck; published as No. 2 of Technical Pamphlet Series by National Municipal League, 261 Broadway, New York City.

[2] The figures for 1919 are here used because subsequent reports of the bureau of census are unsatisfactory for our purposes owing to changes in the method of collecting and presenting financial statistics.

THE SPECIALISTS IN ADMINISTRATIVE TECHNIQUE VS. THE SOCIAL WORKERS

In view of these facts, questions of where responsibility for the administration of state institutions shall be lodged and how it shall be exercised are of prime interest. There is, unfortunately, considerable difference of opinion on these questions among those who have given most thought to them. On the one side we find the members of the governmental research group, whom we may call the specialists in administrative technique, almost solidly lined up for the "one man control" plan. On the other side are the social workers, or specialists in human relations, who see in board administration of one type or another the most satisfactory plan. The difference of opinion between these two groups each of which has the same aim, namely, the promotion of efficient and economic public service, is well illustrated in the report of a study made by a special committee on public welfare departments of the American Association for Organizing Family Social Work.[3] The question of how public welfare departments should be administered was put by the committee to the members of the Government Research Conference, which comprises the great majority of those agencies engaged in study of the science and art of public administration, and to another group of persons representing mainly those who had had practical experience in public welfare administration. Of the nineteen members of the government research group replying, fifteen believed that centralization of authority and responsibility should be secured through the appointment of the welfare head by the executive head of the government, governor or mayor. Only four favored a board for administrative purposes. It was the general opinion of the members of this group that "unpaid boards, where the executive officer is chosen by such unpaid board, are not the most efficient type of organization, tending as they do to place a buffer between the chief executive and the departmental executive." Of the eighteen replies received from the other group, that is, those who had had practical experience in public welfare administration, sixteen strongly favored a board.

As the result of its labors, the investigating committee concluded that public welfare departments, because of the peculiar nature of their problems, cannot be satisfactorily administered in the same manner as other departments of government dealing less intimately with human factors. The committee held that the need for "continuity of policy," "freedom from political interference," and a "council of minds" in public welfare matters made board administration preferable to "one man control." Such a board, it decided, should be appointed with long overlapping terms for members, given authority to determine policies, and, in general, direct work in so far as this could be done without interfering with administrative detail. It should, according to the committee, "have powers more than advisory but less than administrative"; it should "have final authority for the conduct and policies of work through its advisory functions and the appointment of the chief executive, but hold the executive responsible, the board assuming none of his administrative functions." One can conceive such a board, of course, but that it can be "less than administrative" and still have "final authority for the conduct and policies of work" as well as "the appointment of the chief executive," certainly does not suit any definition of administration with which the writer, at least, is familiar. "Final authority for the conduct and policies of work" and "the appointment of the chief executive" are in fact the very bed-rock of administrative responsibility. If a public agency has these powers, it is an administrative agency; if it hasn't them, it is not.

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[3] "An Organization Problem of Public Welfare Departments," by Gertrude Vaile, in *The Annals* of the American Academy of Political and Social Science, Jan., 1923.

HISTORY OF PUBLIC WELFARE ADMINISTRATION IN THE UNITED STATES

The conclusions of the committee are in fact merely a reaffirmation in somewhat contradictory terms of the theory that "continuity of policy," "freedom from political influence" and a "council of minds" to interpret and provide for community welfare are always administrative virtues to be found only in administrative boards. The committee has, indeed, made a valuable contribution to the literature of public welfare administration, but its argument on behalf of board administration of public welfare services is not wholly convincing to those who stand for "one man control" of such services. It is the writer's purpose to offer a brief for the latter and to discuss what "continuity of policy," "political influence" and "council of minds" have to do with public welfare administration in practice. But let us first review the history of public welfare administration in this country and mark its trend away from decentralized board control of public institutions toward that type of highly centralized control which in many states has resulted in complete elimination of boards.

Central state control of public welfare activities is generally regarded as beginning with the state board of charities established in Massachusetts in 1863. This board was advisory and supervisory only; it could recommend changes in institutional methods and practices, but it had practically no power to enforce its recommendations in the institutions, each of which was administratively independent. Three years later New York state established a similar state board of charities with advisory and supervisory functions. Other states followed the lead of Massachusetts and New York, until at the present time we find only three states having no central agency, advisory or administrative.[4] The establishment of such central state supervision was conceded to be a great step in advance. Standards of institutional service were raised and more adequate protection of the wards of the states was guaranteed through the visitation of institutions by representatives of these supervisory boards. The inability of supervisory boards to compel action by the independent boards of trustees of the institutions was, however, recognized as a great weakness. The corrections of abuses was always delayed and sometimes failed completely because the recommendations of the state supervisory board had to wait for legislative action. The step from a board with advisory or supervisory authority only to an administrative board of control was, therefore, a logical one and admittedly in line with sound social policy. This did not mean that a supervisory board was always abolished immediately on the creation of an administrative board; in many cases the two state agencies existed side by side for several years and in a few states we still find both types of boards in operation. In fact the creation of central boards of control was at one time strongly opposed by many in the social welfare field who now strongly support it, on the ground that the establishment of boards of control would crowd out the supervisory boards which had proved themselves effective in developing public interest in institutional affairs. F. H. Wines, a prominent member of the National Conference of Charities and Corrections, in 1902 voiced the sentiment of a large group in this conference when he said: "Personally, I dread the creation of boards of control . . . They would be much less objectionable if they did not mean the abolition of supervisory boards, but two central boards cannot ordinarily be maintained in one state. If they could, there would almost inevitably exist rivalry and conflict between them." At this same conference in 1902, a special committee on state supervision of administration of charities and corrections reported unfavorably on the merging of supervision and control of state institutions, that is, the centering of all responsibility in one board instead of dividing it between a supervisory board and an administrative board or board of control. The committee said: "In the field of charity and correction the tendency is plainly in the direction of increasing exercise of administrative power and supervision by the state," but it was not convinced that a central board of control would produce results not obtainable by a supervisory board co-operating with the independent boards of trustees of institutions. It did, however, recognize the need for better central fiscal control.

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[4] "Summary of Present State Systems for the Organization and Administration of Public Welfare," by S. P. Breckenridge, University of Chicago; *The Annals* of the American Academy of Political and Social Science, Jan., 1923.

POLITICAL INTERFERENCE UNDER CENTRAL CONTROL ALWAYS A BUGBEAR

Thus it appears that while the advantages of central control and the trend toward it was clearly observed by social welfare authorities twenty years ago, there was a fear of political interference under central administrative control of institutions that would not down. F. H. Wines, who has been previously quoted, said further at the 1902 conference: "The proposal to establish a board of control originates, I think, in the brain of some scheming politician who wishes to strengthen a political machine by the addition to it of the state institutions, which can be effectively used by an adroit and unscrupulous politician as an aid to the control of caucuses, primaries and conventions, and in the carrying of elections." It is rather interesting to note that this statement is paralleled by that of Henry C. Wright in his recent report of a study on the "one man control" system in Illinois, made in 1920 for the New York State Charities Aid Associations.[5] Mr. Wright says, with reference to the Illinois plan: "It would be difficult to devise a system better adapted to make political control effective than the Illinois system. Why will the politicians, when they interfered with a system not adjusted to easy control, let the new system alone, which in form is adapted to political purposes." What Mr. Wright called "a system not adjusted to easy control" was the central board of control plan which existed in Illinois up to 1917, the same board of control plan which in 1902 was characterized as the ideal instrument for political manipulation by the Mr. Wines previously quoted. About the only conclusion that can be reached from these statements is that the fear of "politics" has probably had as much to do with the domination of thought on these matters as actual fact of political interference.

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[5] "A Valuation of a System for the Administration of State Institutions Through One-Man Control as Operated in Illinois," by Henry C. Wright. Made for New York State Charities Aid Associations, 105 East 22nd Street, New York City.

A COMPARISON OF CENTRALIZED AND DECENTRALIZED CONTROL

In 1911, Henry C. Wright, to whom we have previously referred and to whom we shall refer again, an able and experienced investigator in the field of institutional service, made, at the request of the New York State Charities Aid Association, an appraisal of three types of institutional administration then in effect. The three states studied were: Indiana, where each institution stood as a separate unit controlled by a board of managers or trustees; New York, where the institutions for the insane were under a smaller commission with limited powers, headed by an experienced alienist; Iowa, where all institutions were under a board of control with full administrative authority. Mr. Wright's report, which related chiefly to fiscal control of the institutions, found that central boards of control, as observed in his study, hindered the operation of institutions to some extent, and that such boards tended to be arbitrary in their treatment of institutions instead of advising through competent experts. Mr. Wright's observations are to be taken at face value; nevertheless, it should be borne in mind that his criticism of boards of control could no doubt be made of any kind of administrative agency that used its authority unscientifically or arbitrarily. Moreover, the Wright report found conditions in Indiana institutions, where decentralized administration was in effect, superior to conditions in the institutions under central control in Iowa and New York. Yet from this fact no one, not even Mr. Wright, would approve a return to the plan of decentralized administration with its many independent boards. To-day they are very few who would contend that central boards of control have not raised institutional service to higher standards. On the whole there has been under their administration better adjustment of the relations between institutions, better planning for the state as a whole, greater facility in taking advantage of scientific research for the prevention and treatment of social ills, improvement in fiscal control and better selection of institutional personnel. It would be unfair, of course, to lay all credit for these improvements to the change from decentralized to centralized administration, but certainly the change has played a major part in speeding up these reforms and making them more effective.

PRESENT TREND TOWARD "ONE MAN CONTROL"

We may consider that for practical purposes the battle between decentralized and centralized board administration of public institutions has been won for the latter, and that the central board with merely supervisory powers has given way generally to the board of control. The principle of central administrative control is accepted as sound in most states, but the end is not yet. It is quite apparent that there is a growing and widespread demand for even greater concentration of administrative authority and responsibility in properly qualified individuals instead of boards. There is general public dissatisfaction with our cumbersome and costly organizations of state government as a whole. Advocates of "one man control" have not singled out the boards of control of state institutions for attack, but they find ample evidence that continuation of long term, overlapping boards of administration whether of public welfare, health, highways, finance or what not, is incompatible with any workable plan to make a governor in fact what he is now so often in name only, a chief executive. The governor must, if he is to represent the people as he is supposed to do, appoint his administrative heads. He must have men about him who are responsive to him and in accord with the administrative policies which he is pledged to carry out. This theory of administration, adopted by Illinois in 1917, resulted in placing under "one man control" all of the charitable and correctional institutions of the state. Since 1917 many states have followed Illinois' lead as described in the summary by Mr. Buck to which early reference was made in this article. "One man control" has gone beyond the experimental stage and so far as evidence is now available it has meant improvement in public administration where it has been given a fair chance. As to its ultimate effect on the administration of state institutions there is every reason to believe that it will be as effective as it has proved to be in other fields of public service. Under the consolidation plan which aims to group the major activities of government in a half dozen or more departments, usually not more than ten, the one-man heads of these departments sit with the governor as a cabinet and together work out the policies which appear to be most advantageous and most in accord with the public's wishes. Governor D. W. Davis of Idaho, which recently reorganized its government on this basis, says: "Every public building constructed since we installed the cabinet form of government has been completed ahead of the scheduled date. There has been a similar improvement in efficiency in many other lines. We formerly had forty boards and commissions, and these we have grouped in eight departments, (one of which is the department of public welfare), with a responsible man at the head of each. The undivided responsibility in each of the departments is what gets results."[6]

"ONE MAN CONTROL" IN ILLINOIS

Illinois was the first state to adopt the principle of "one man control" and a review of institutional administration in that state is therefore of special interest. Prior to 1909 there was no central control of Illinois institutions and each institution had its own board of trustees. There was a central supervisory state board of public charities, but this board was the typical supervisory board without administrative authority. In 1909 these independent boards were abolished and a central board of administration established for all except the penal and reformatory institutions, which remained under separate boards. The central supervisory state board of public charities was replaced at the same time by a supervisory charities commission which exercised practically the same functions as its predecessor. In 1917 the general reorganization of the government took place; the supervisory charities commission, the board of administration, and the independent boards of trustees of the penal and reformatory institutions were all abolished, and all their powers and duties with some minor exceptions were transferred to a director of a department of public welfare, appointed by the governor. Several other public welfare boards and commissions were also abolished at this time and their powers and duties transferred to the new director. Although sufficient time had not elapsed between the establishment of the department in 1917 and its survey by Mr. Wright in 1920, of which mention has been made, to permit a proper appraisal of the full effect of such a radical change in institutional administration, the investigator states: "The Illinois system of control of state institutions as at present operated, is efficient, progressive, and forward-looking. As a government machine, it works without friction. Differences of opinion or other handicaps are speedily adjusted. It is a system which lends itself readily to the co-ordination of social problems dealing with individuals who are shunted to institutions. One of the primary advantages of such a system is that the problem of maladjustment can be considered and handled as a whole . . . The system when well directed makes possible and tends to produce an initiative with practical results noticeable to a much less degree when institutions are not under a central control system, or when under a central control system are headed by a board or commission. One of the surface indications that the system as at present operated is producing good results is that institutional officers of other states are beginning to turn to Illinois for suggestions."

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[6] National Municipal Review, Jan., 1923, p. 2.

So much to the credit of the "one man control" plan. But it is the political aspect of the "one man control" system which the investigator, Mr. Wright, still fears, and throughout his report one senses that he regards it as axiomatic that with every change of governor there will be a change of the department head and a consequent up and down of efficiency. In a previous paragraph we have quoted Mr. Wright on the political dangers of the "one man control" plan which he believes is an ideal plan from the point of view of the politician. Fortunately, however, for our purposes at least, there has been since the report mentioned a change in governors in Illinois. Governor Small, who succeeded Governor Lowden, the sponsor of the plan, was naturally not such an ardent advocate of it as his predecessor, and all sorts of dire prophecies were made as to the raiding of state departments by the politicians. Governor Small did appoint, as was his privilege, a new head of the department of public welfare and there were, it is true, a large number of changes of institutional officers which may have been the result of political influence. Contrary to prophecy, however, there has been no alarming breakdown in institutional service, nor is it likely that there will be under succeeding governors. The changes of superintendents and other officers would have been avoided, of course, if these officers had been guaranteed proper tenure by civil service or otherwise. As to changes of the head of the welfare department and other heads whom the governor appoints, is it not more likely that the governor who has the appointment of only a few responsible administrative officers who stand out before the people will appoint more capable and experienced persons than if he has a hundred or more appointments to make. In the latter case, a governor may by the appointment of a few men of high standing and ability in unimportant places so dazzle the eyes of the public that they are unable to see the bad appointments in places of the greatest importance, but having less publicity value.

ADMINISTRATIVE BOARDS AND "CONTINUITY OF POLICY"

As has been previously indicated, the stock arguments against the "one man control" plan as it relates to the administration of public institutions are: that a board whose members are appointed for long overlapping terms are able to provide that "continuity of policy" which is essential to real progress; that a long term, overlapping membership board is a defense against "political influence"; that a "council of minds" is necessary to deal properly with the problems of public welfare departments which, because they deal with human conduct and relations, require the application of quite different administrative control than other departments. To these should be added a fourth argument, namely, that because of the peculiar nature of public welfare problems, the public is not yet prepared to exercise sound judgment with respect to them, and in consequence administration of these matters should be removed from direct popular control by the ballot, *i.e.*, through the selection of the governor who heads and directs the entire state administrative program.

Let us consider first the "continuity of policy" argument for board administration of public welfare functions. The first weakness in this argument, and one that has not been given due weight, is that "continuity of policy" under board administration or otherwise is as likely to be bad as good. In one western state where the writer had opportunity to study institutional administration thoroughly, all institutions are under a single board of control, which was established by the state constitution and has existed since the beginning of statehood. It is, according to accepted standards, as nearly ideal as a state board can be, being composed of five citizens of high standing with long overlapping terms of office, representing various sections of the state and in theory, at least, non-partisan, although its members are of political importance and influence in their own communities. Such a board did indeed provide "continuity of policy," but that is the chief defect in institutional administration in that state. About the same policies with respect to institutions as had been established by previous boards in the dark ages of the state's social welfare history are still in effect. Inmates of many institutions are receiving about the same kind of care they received when the institutions were first established. There is a decided lack in several institutions of facilities for adequate treatment of patients according to their health and social needs, and an almost complete absence of competent technicians in the various special fields of service. Institutions have been located throughout the state without adequate study of state needs, built without understanding of institutional service requirements, and manned with as little regard for efficiency as if the board had been dominated entirely by the demands of political patronage. "Continuity of policy" in this state is surely a deterrent to efficient administration.

In another western state "continuity of policy" has been preserved by independent boards of the several institutions acting under a board of charities and corrections with supervisory powers only. The board is of the approved type, composed of six appointive members with long overlapping terms, who are men and women of high standing in the state. The administrative boards for the various institutions are also composed of high-minded men and women appointed for long overlapping terms. Under such circumstances "continuity of policy" is certainly provided and yet the result of such continuity does not in any sense justify abiding faith in it. There is an uneveness of institutional planning resulting in the development of some institutions far beyond actual needs and the under-development and impoverishment of others with less influential political support. There are no comparable standards of service or records of service; no attempt through co-operation of independent institutions or through the agency of the central supervisory board to develop adequate systems of fiscal supervision, purchasing, dietetics, health supervision or social research. Here again under a different type of board administration "continuity of policy" has meant stagnation.

So we may assume that "continuity of policy" means something or nothing, depending on whether or not the board responsible for that policy is experienced, alive to modern scientific practice in institutional service, and capable of overcoming the inertia usually associated with long tenure in any job. The long term board is as often responsible for continuity of inertia as for continuity of progress, and simply passes on from year to year to its new members the traditions which it has inherited from its predecessor.

"POLITICS" AND POLITICIANS IN WELFARE ADMINISTRATION

As to "politics," which is apparently the *bête noir* of social workers, we have already suggested that the argument has been much overworked. If it is true that centralization of administrative authority in the hands of a few or in the hands of a single individual is so well designed to give the wily politicians a firm grasp upon patronage, why is it that the politicians themselves have apparently not discovered it? If they have discovered it, why is it that the opposition to centralization of administrative authority and responsibility is strongest among the professional politicians? To defeat centralizations of administrative responsibility partisan politicians have more often than not shed their party coats and put shoulder to shoulder. The argument that politics finds its handiest tool in "one man control" will not bear careful analysis. The very fact that in many states the members of administrative boards of institutions must be so selected as to give no political party an overwhelming representation on the board indicates that politics is expected. The laws of many states in which such boards have been established declare that "not more than three" or "not more than five members" shall be of the same political party, the number permitted of any one party depending on the size of the board. The notion that a board can be made "non-partisan" by the simple device of dividing its membership between representatives of political parties is an absurdity. Partisan politicians want patronage, and board administration, "non-partisan" or other, offers the very best opportunity for them to get it. The more boards, the more patronage and the more avenues of political approach because of the greater number of officials concerned.

The insistent public demand for consolidation of government agencies and centralization of administrative authority in fewer officials is largely the result of efforts on the part of partisan politicians to perpetuate all existing boards and to create as many new ones as possible. That is why so many of our state governments are now muddling along with anywhere from 50 to 150 independent boards, commissions, committees, and other agencies, often overlapping in function and duplicating service. No doubt unconsciously, social workers have adopted the course best designed to promote political control of the state government through their insistence at each new step in public welfare progress on the creation of new boards, and new commissions. Groups of well-intentioned persons in almost every state have labored with all the energy of the most partisan politicians for new agencies to deal with their pet projects for public welfare.

Special boards of child welfare, committees on mental defectives, prison commissions, boards of institution visiting, and others, quite independent of already established public agencies for the promotion of welfare generally have been urged and created by law through the efforts of interested groups, without study of existing agencies and an attempt to reshape them for the service needed. We would not be unfair to those who have sponsored, contributed to, and lobbied for the creation of special agencies to promote public welfare, but it is a fact that the existing chaos in state government to-day is due in large measure to the application of the theory apparently held by so many public welfare workers that the way to improve public administration is to divide responsibility rather than to centralize it; that the more agencies, the more efficiency. No one with practical experience in state politics will deny that there has been almost as much politics without as within the political organization in matters of public welfare administration and that from without has sometimes been as ill-advised as that from within. Nor will any one well informed on state administrative practice find in the multiplication of welfare boards and commissions proof that more boards spell more efficient public service.

"COUNCIL OF MINDS" IN PUBLIC WELFARE ADMINISTRATION

That a "council of minds" is desirable for dealing with the peculiar problems of public welfare administration is not disputed. That the administration of public welfare is most efficient where it reflects the concensus of representative people of the community cannot be gainsaid. As one prominent social worker puts it, referring to social welfare organization, "The nature of the work calls for a council of minds. It makes little difference what the worker may think the right thing to do if it is impracticable to do it, and whether or not a thing is practicable and can be done, as well as whether it should be done, needs the various points of view of representative people. Their decision and determination is the starting point to success."[7] With all of this the writer is in complete accord but in our discussion of this thought in its application to public welfare administration it is necessary to keep clearly in mind a fundamental difference between official or government agencies and unofficial or private agencies.

The policy of an official or government agency is determined by law. The legislature defines the powers and duties of the agency and determines how its powers shall be exercised and how, in general, its duties shall be performed. It lays upon the chief executive of the government concerned responsibility for the carrying out of the policy and program which it has enacted, and it holds the chief executive responsible for the enforcement of its mandates through the direction of the experts in public welfare or other field of government service. The legislature, if it performs the function for which it was created, is the "council of minds" and it gives to the governor and through him to his experts "the various points of view of representative people." But the private or unofficial agency has no such legislative body to determine its program or policy. To have its "council of minds" it must resort to the employment of a board. In short the distinction between official and unofficial agencies for public welfare is just this. The official public welfare or other agency needs no policy determining board because that is the legislature's function, and a board is therefore superfluous. The unofficial agency needs a board because it has no other means of securing the benefits of a "council of minds."

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[7] "The Relation of Layman and Expert in Social Work," by Joseph C. Logan, Southern Division of the American Red Cross; *The Journal of Social Forces*, May, 1924.

But there are doubtless those who will contend that the "council of minds" of legislatures generally is not competent to deal with the very delicate material of public welfare, and that a board is necessary to make a needed adjustment between the legislature and the chief executive. But this is a generalization to which the writer wishes to make exception. An administrative board, at least in the experience of the author, is most valuable when it happens that the result ordinarily attributed to a "council of minds" is actually obtained through the domination in the board of a master mind to which other minds are merely complementary. In twelve years of study of administrative boards of public welfare, the writer has yet to observe an efficient board of public welfare that did not depend for its guidance upon the dominating influence of a leader. Where no master mind appeared administrative competence was invariably conspicuous by its absence, and the time of the board was wasted in considering details of procedure that should have been left to an executive. Administration was of the "one man" type in fact if not in form.

ADVISORY BOARDS USEFUL IN PUBLIC EDUCATION

It is conceded that for certain of the purposes stressed by the social workers, namely the development of public opinion on welfare matters and the encouragement of public sympathy with welfare aims, a co-operating group of high-minded, respected citizens is useful. But this advantage can be secured for official departments of public welfare by the creation of advisory boards without administrative responsibility. It is believed that "one man control" of public welfare administration will, in the beginning at least, function most satisfactorily when provision is made for such a co-operating advisory board of citizens. If it is made up of from five to seven men and women interested in public welfare work and with broad social vision, it can be of material aid to the administrative head in enlisting popular support for the welfare program. There would be no objection, in fact it might prove helpful in some states, to have such a central advisory body made up of representatives from local advisory boards which might be appointed by the governor for the various institutions. But, however such an advisory agency is constituted, the line of demarcation between administrative control and advisory aid should be sharply drawn. The administrative head appointed by the governor should be responsible, under proper safeguards, for the selection, appointment and direction of his subordinates from the top to the bottom of the service, and for the carrying out of such plan of institutional operation as the advisory board may recommend and the governor approve. If the advice of the board is sound and in line with his general policy, the governor will probably use it and direct his administrative officer accordingly; if it is not, it should have no compelling force upon his administration.

The theory that the public is not yet prepared to act wisely in the selection of a governor whom it may hold fully and solely responsible for the appointment and removal of the administrative head of the public welfare service, although it may be capable of acting wisely with respect to other public affairs, is based upon the general concept that the public is peculiarly ignorant of the substance of public welfare. This notion is adequately expressed in the article on An Organization Problem of Public Welfare Departments by Gertrude Vaile, to which earlier reference was made. Miss Vaile says: "Of all departments of government probably the welfare department is the most remote from the personal knowledge and concern of the general public." This may be true, but there is little evidence to support it. In the writer's judgment the public knows at least as much about public welfare, perhaps more, than about police administration, street cleaning, municipal finance, education, or other essential function of government. The public can be counted on to support enthusiastically any movement which aims at the better care of institutional inmates, even though it may have no clear understanding of what ought to be done and how. Serious abuse of long duration is hardly possible in these days of "open door" institutions, and it is less possible when responsibility is clearly and definitely fixed upon one person who cannot "pass the buck" to another. More public education on social welfare matters is needed, admittedly, but to hold that this can best be done by depriving the public of an opportunity really to express its purpose with respect to institutional management cannot well be maintained. The most effective method of educating the public to act wisely on such matters is to make them public issues and to bring them right out in the political limelight. If the elected representative of the people, the governor, makes appointment of an incompetent head of a state public welfare department, the public is likely to know about it much more quickly and take a more direct and effective course toward correcting the situation than if control by the governor is limited as a long tenure, overlapping membership, administrative board limits it. The public will make mistakes, it is true, but it will rarely make the same mistake twice, and it will be educating itself all the time. Under a plan that holds the governor solely responsible for the administrative efficiency of his departments, it is possible to develop state public welfare to an extent hitherto undreamed of. It is possible to make public welfare an issue at every election, and to force candidates to submit pledges to the people of their intentions with reference to it. The time is indeed not far off when mayors, governors and political conventions will be required to offer something better than mere platitudes about public health and welfare. This is a field of education which those interested in public welfare have apparently neglected. If instead of trying to perpetuate the old, undemocratic notion that the people are not to be trusted, and that their important concerns should be left to determination wholly by this or that group of specialists, the various groups would agree upon a program consistent with sound administration; make clear to the public the ends to be obtained and the facts as to cost; and then put their issues squarely before the people, sound public welfare policy might be developed. That would indeed be education of the public.

EFFICIENT GOVERNMENT DEPENDS ON INTEGRATION OF FUNDAMENTAL ACTIVITIES

Whether this is accepted as good social doctrine or not, it is certain that the many of our ablest statesmen are committed to the notion that public welfare administration has been inefficient and uneconomic generally because of the multitude of uncorrelated agencies concerned with it. The "one man control" plan as it relates to public welfare is the logical culmination of a half century of steady movement toward responsibility in government. It is not likely that all the defects of administration of state institutions will be eliminated by the adoption of the "one man control" plan, but it will be possible under such a plan to know who is responsible for the perpetuation of defects that can be remedied. Undoubtedly many states will find it expedient to continue certain administrative boards which have clearly demonstrated their efficiency and progressiveness, rather than to commit themselves wholly to a plan which is as yet relatively untried. But the logic of the plan as adapted to the general organization of government will it is believed eventually overcome the objections of those groups whose fears for their own special interests are more imaginary than real. The difficulty apparently is that such groups do not envisage the problem of government administration as an entity, but rather as a collection of relatively independent problems, each to be worked out independently. It is not at all difficult, however, to show the intimate and direct relationship between all government services. In the administration of public institutions, for example, every service of government is reflected in one way or another. The efficiency of institutional service is dependent upon the efficiency of every other part of government service in finance, health, highways, education, recreation, administration of justice, conservation of natural resources and what not. All of these enterprises are in fact merely a means to an end, namely, social welfare of which economic welfare is merely one factor. When the time comes that all of these mutually dependent services of government can be brought together as one, and a policy for all determined which will do justice to each and to the public, then perhaps complaints of the inefficiency of democracy will have less justification. This is in fact the aim in simplifying the machinery of government, centering responsibility in the governor, and bringing together for conference with him a cabinet which may plan for the whole field of government activity and the proper integration of its special functions for the promotion of social welfare. The administration of institutions is merely one of those functions requiring no different administrative treatment and no different type of control than any other.

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261 Broadway, New York, N. Y.

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VOL. XIII, No. 9   SEPTEMBER, 1924   TOTAL No. 99

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THE LEAGUE'S BUSINESS

The Annual Meeting.—The Thirtieth Annual Meeting of the League will be held at Cambridge and Boston, November 10 to 12. The sessions on Monday and Tuesday will be at the Harvard Union where ample accommodations are available. The sessions on Wednesday will be in Boston. Professor W. B. Munro is the chairman of the committee on arrangements, and is being assisted by Dr. A. C. Hanford of Harvard and George H. McCaffrey of the Boston Good Government Association.

Professor T. H. Reed of Michigan University is chairman of the program committee. The program will be different from those of recent years and its appeal will be frankly to those who have a particular interest in local government. It will be an old fashioned meeting of the League, among ideal surroundings and with an ideal host. You will not want to miss it.

President Polk will address the banquet session on Tuesday evening. The morning, luncheon and afternoon sessions on Monday will be in charge of the Governmental Research Association, Dr. Lent D. Upson, chairman. The National Association of Civic Secretaries will meet at the same time and place.

PROGRAM.

Monday	10.00 A. M.	Pay-as-You-Go *vs.* Bonds for Financing Public Improvements.
	12.30 P. M.	Round Table Luncheon.
	2.00 P. M.	Improving Federal Statistics Regarding Municipalities.
	6.30 P. M.	Informal Dinner for Members of National Municipal League.
		The general welfare of the League and the improvement of the National Municipal Review will be considered. The dinner will be followed by the annual business meeting.
Tuesday	9.30 A. M.	Problems of Metropolitan Areas; (a) Regional Planning and Street Traffic and Transportation.
	12.30 P. M.	Luncheon. What the University Professors Think of the Municipal Research Movement.
	2.00 P. M.	The Problems of Metropolitan Areas; (b) Government.
	7.00 P. M.	Annual Banquet.
Wednesday	9.30 A. M.	Progress of Municipal Home Rule.
	12.30 P. M.	Luncheon. What the Research Men Think of University Instruction in Municipal Government.
	2.00 P. M.	The Boston Charter—Is it Undergoing Repairs?

* * *

The Baldwin Prize.—The Baldwin Prize for 1924 has been awarded to Helen Werner of the University of Illinois for her essay entitled Regulation of Street Traffic. The winner receives the sum of one hundred dollars, contributed by a long-time friend of the League in memory of William H. Baldwin. Second place was awarded to Alice Harriet Parsons of Wellesley College and third place to Henry T. Dunker of Harvard College. The judges were Professor Leonard D. White of the University of Chicago, Professor Arthur W. Macmahon of Columbia University and Frederick P. Gruenberg, formerly director of the Philadelphia Bureau of Municipal Research.

NATIONAL MUNICIPAL REVIEW

Vol. XIII, No. 9 SEPTEMBER, 1924 Total No. 99

GET OUT TO VOTE

AN EDITORIAL

This is the year of get out the vote campaigns. Many persons and several organizations have become alarmed at what seems to be an increasing disinclination to exercise the right of free born citizens to vote.

Collier's and the National League of Women Voters have become the leaders in the struggle against "the descending curve of American democracy." *Collier's* points out that recent history has been as follows:

In 1896—80 per cent of eligibles voted
In 1900—73 " " " " "
In 1908—66 " " " " "
In 1912—62 " " " " "
In 1920—50 " " " " "

From now until election it will strive to arouse the slacker citizen by making the election issues so clear and the personalities so visible that the most indifferent reader will go to the polls not merely as a duty but because he does not want to miss it. The entire Collier organization throughout the country will be drafted to boost the idea. Reprints of editorials will be widely distributed. Millions of a series of vote reminder slips will be prepared, which organizations can secure with their own imprint if they wish, for use as they see fit. Civic leagues and city clubs which are conducting get-out-the-vote drivers in their own communities are invited to make use of the facilities provided. The purpose is strictly non-partisan and is a part of *Collier's* program to awaken a more general interest in public affairs.

The campaign of the League of Women Voters is the culmination of more than a year's preparation. Their goal is 75 per cent of the vote which could have been cast in 1920, a gain of 25 per cent over the actual vote of that year. A campaign text book was published in June, which the national headquarters at Washington will be glad to send on request. This vigorous organization has taken a leaf from the book of the political machines and is organizing its forces, precinct by precinct, street by street. The text book tells you what has been done already by the state organizations and outlines their program of work until election. Soon we may expect to see posters in store windows, stickers on automobiles and special newspaper articles, to hear sermons in churches and one-minute talks in movies and theatres, and to receive calls from house-to-house canvassers followed by telephone calls on registration and election days. Station WEAF will broadcast talks on Fridays at 4.00 p. m. during September and October, in which we shall be told why and how to register and vote.

For the first time, political information which can be relied upon as non-partisan will be available on a national scale, to define and clarify the issues and to present the records of candidates. It is a labor of love, and we trust that the readers of the Review (who, we flatter ourselves, are to an unusual degree influential in clean politics) will lend these efforts every possible aid.

The indifference of the voter is a phrase covering a multitude of sins but explaining little, and it is to be expected that the present campaigns will turn some needed attention to an analysis of the source of this indifference. The ballot's burden, national, state, judicial district, county, city school district and township, has already overwhelmed us. A conscientious citizen, lost in the maze, often does what he considers the honorable thing, he doesn't vote at all. Unquestionably we elect too many officials. Although the city of Cleveland has made noteworthy progress toward the short ballot, her voters were called upon to pass on 304 candidates at the August primary, and in November will elect 54 officials. The results of the study, to be published this month, on non-voting conducted in Chicago under the supervision of Professor Meriam, will throw new light on the slacker voter. In the prosecution of this study several thousand non-voters were interviewed to learn why they didn't vote. The reasons are varied and some of them are surprising.

Clearly there are other deterrents to voting besides the frequency of elections and the length of our ballots. One of them is the expense in money when the payment of some sort of tax is prerequisite. *Collier's* discovered that in some parts of Pennsylvania it costs six dollars to vote. This is in the form of an occupation tax, most or all of which goes to the schools, and in a family of three or four voters may constitute a serious inroad into the family exchequer. Yet it may be that the payment of some direct tax should be a condition of voting. Irresponsible voting may be worse than no voting.

A more serious impediment consists in the requirement of advance registration. Personal, annual registrations increase the labor of voting, yet in New York they have been found the most effective protection against fraud which has yet been developed. Perhaps some method of permanent registration can be made effective in the large cities, although it should be remembered that gross frauds have been disclosed in small places and that they have been made easier by permanent registration. The experiment in Minneapolis, described by Mr. Olson in this number of the Review, seems to demonstrate that continuous registration is cheaper and that more voters register if the opportunity is open to them daily. Methods must be worked out by which the difficulties of registration can be reduced to the minimum without opening the gate to all manner of frauds.

And yet when all extenuating circumstances have been considered, we do need a greater sense of responsibility for the ballot; we have forgotten what a high privilege it is. In part the increasing indifference is the result of lessening partisanship. When party feeling is bitter the people vote.

In October the writer will supervise the first presidential election to be held under a new law in the little republic of Nicaragua. Over 90 per cent of the eligible voters have registered and the leaders feel that something must be wrong because the full 100 per cent did not inscribe. But politics is a life and death matter in Central America.

The task of the American is to substitute a rational participation in politics for the fiery partisanship which is passing away.

LEGISLATIVE "WAR" IN RHODE ISLAND

BY C. C. HUBBARD
Brown University

As we go to press the Republican senators are still in "exile" in Massachusetts, following a "gas attack" in the senate chamber. The chairman of the Republican state committee, a Rhode Island gambler, and a Boston man of unsavory reputation have been indicted as being responsible for placing the "bomb." The attorney general, who secured the indictment, is a Democrat. :: :: :: :: ::

RECENT legislative troubles in Rhode Island have been attracting nationwide attention. This state adopted biennial elections in 1909 but still retains annual meetings.

THE ROTTEN BOROUGH

The results of the elections of 1922 were in general Democratic, but because of the rotten borough system the Republicans retained control of both branches of the legislature. In the senate every one of the thirty-nine cities and towns elects one member apiece, resulting in gross misapportionment. Providence and the other five cities have 71 per cent of the population but are represented by only six out of 39 senators. At the other extreme, the 20 smallest towns which elect a majority of the senate have only 6.9 per cent of the population. Actually, in 1922, the Democrats obtained about 53 per cent of the votes for senators, yet found themselves in a minority of three, which was later increased to seven by the desertion of two of their members to the Republicans for reasons which have never been satisfactorily explained to the public.

Even in the house, representation is not based on population. Of the hundred members, Providence has only 25 (although she has 39 per cent of the people) and these are elected by districts. On the other hand, under a provision that every city and town is entitled to at least one, the 22 smallest towns have a total of 22 representatives although the population of each is less than one per cent and the total population of them all less than nine per cent. In the elections of 1922 for the house, the Democrats obtained a little over 51 per cent and the Republicans a little less than 49 per cent of the votes, yet the Republicans found themselves with a majority sufficient to enable them to organize. There is some independence in this body, however, such that the Republicans have not been able to prevent the Democrats from putting through some of their measures. Most important of these was a forty-eight hour bill for women and children, which bore the name of one of the independent Republicans.

While the house majority could organize that body, the two most important officers of the senate are provided *ex officio* by the constitution, the president being the lieutenant governor, and the secretary, the secretary of state. The lieutenant governor, Felix A. Toupin, is a Democrat, and around his head most of the storms of the last two years have swirled. The office of secretary of state, on the other hand, was saved by the Republicans from the wreck of 1922 and, since the one holding it has control of the records, it has served to complicate the situation upon more than one important occasion. In addition to all this the sheriffs, upon whom the presiding officer must depend for the carrying out of his orders in the chamber, have been Republicans, due to the fact that the high sheriff, who appoints the deputies, is elected by a joint vote of the two houses of the legislature.

FILIBUSTERING IN THE SENATE

Without a majority in the senate the Democrats could not put through their measures except by agreement. With the possession of the chair, however, they could filibuster, and this they have done with the ostensible purpose of forcing the Republicans to capitulate. The two most important parliamentary methods used by Mr. Toupin have been the right of recognition and the "at ease." By the exercise of the former no Republican has been able to get the floor to make or to second any important motion. As to the latter, by merely declaring the senate "at ease," an informal method usually used to tide over a few minutes while waiting for something, the lieutenant governor has been able to put the senate in recess, sometimes for hours, without obtaining any vote therefor. While, of course, this method is quite contrary to ordinary parliamentary practice, the presiding officer does not seem to have actually broken any of the senate rules. This is due, primarily, to the condition of the rules themselves which have never been reduced to a methodical and complete system, apparently with the express purpose that those usually in control might not find themselves obstructed at any time.

A NEW CONSTITUTION WANTED

In the present session, which opened in January, the Democrats decided to drive for a referendum on a constitutional convention. It was their thought that a constitutional convention would be the short-cut to several reforms which they desired, the four most important of which were a reapportionment of the senate, popular election of judges instead of the present system of election by the combined votes of the two houses of the legislature, the vesting of executive appointments in the governor instead of in the senate, as at present, and the abolition of the property qualification still required in Rhode Island for the suffrage for city councils and on financial questions in cities and towns. The house passed an amendment to do away with the property qualification but the Democratic filibuster prevented the senate from acting upon it. Even if passed it would have to pass again in the next legislature and then be accepted by 60 per cent of those voting in a referendum. In spite of its action here, however, and in the case of the forty-eight-hour law, the house refused to pass a constitutional referendum resolution.

Meanwhile in the senate the Democratic filibuster was holding up all business, chief of which was the annual appropriation bill. To take the place of this, however, the Democrats offered monthly appropriation bills. It was their contention that these would suffice since they have been used almost every spring to tide over the time from the expiration of the fiscal year until the annual appropriation was ready. The Republicans, on the other hand, argued that the state could not make annual contracts unless the annual appropriation bill was passed, and moreover, why pass emergency bills when the annual bill was on the calendar ready for action. Actually the Democrats wanted to keep the legislature in session, hoping to get the resolution for a constitutional convention referendum passed. They openly charged that, if once the Republicans got the annual appropriation through, the latter would leave the state so as not to sit through the summer in the legislative chambers. This deadlock over fiscal legislation resulted in much hardship to the employees of the state. To be sure, these are mostly Republicans, but the great majority of them are people of small means and, like most everyone, not in a position to transfer themselves easily from one job to another. It would appear that the passage of either the annual or the monthly appropriation measures would have met the situation, but neither side would give way. Finally, on July 3, the combined banks of the state made loans to the state employees, in most cases without interest, and have arranged to continue such as long as the present situation remains.

In the senate ever since January 1, most of the time has been taken up by speeches, the largest number being made by the filibustering Democrats. Some of these speeches have been exceedingly able expositions of the constitutional situation in Rhode Island. At other times the debates have descended to personal abuse of no credit to any dignified body. With all the bitterness, however, there has been some good nature, and all the members call each other by their first names. The chairman and secretary of the Republican state central committee have been in constant attendance and the Democrats have charged the Republican members with subservience to their orders. The public has shown much interest. The chamber is small and there is a gallery on only one side, but spectators are admitted to the floor and upon occasions have crowded it to suffocation.

From time to time the Democrats have kept the senate in session for many hours hoping to tire the Republicans into making some concession. Upon one occasion while this was being done, the lieutenant governor having declared the senate "at ease," the president pro tempore, who, being an elected officer was of course a Republican, "took the chair." To be sure, he did not do this physically, since the person of the constitutional presiding officer was still occupying the regular chair. Standing in the front of the chamber, however, the president pro tempore entertained and put a motion to adjourn whereupon the Republican members left the State House. After this the Democrats proceeded to continue the session and, carefully avoiding all roll calls, put through considerable business. Although this was on May 9, no move has as yet been made to enforce the laws or honor the appointments passed at this time, probably because with the secretary's records against them it would be difficult for the Democrats to obtain favorable judicial action.

THE LONG SESSIONS AND THE "GAS BOMB"

The most recent crisis developed during the week following June 13, which fell upon a Friday. Starting Friday afternoon, the senate was kept in continuous session until Saturday afternoon, the Democratic Senators talking or reading in two-hour relays. On Saturday afternoon the lieutenant governor ordered the sheriffs to keep all members in the chamber. Later, finding one senator absent, he declared the senate "at ease" pending the absent senator's return. This he did in spite of the fact that a quorum was very evidently present. The president pro tempore then repeated his procedure of May 9, claiming the right to preside, as the official records carry it, "in view of the fact that his honor, the lieutenant governor, as presiding officer, has refused to perform his duties." Standing upon the floor the president pro tempore entertained, put and declared carried upon roll call a motion to "adjourn" until Tuesday, the next legislative day. After the Republicans had gone, the Democrats "recessed" until the same time.

On Tuesday, June 17, the president pro tempore called the senate to order promptly on time. The floor was crowded and the lieutenant governor was having difficulty in getting into the chamber. Accounts differ as to whether he was being purposely obstructed or not. However, it is to be noted that, although it is never the habit to begin sessions on time, on this occasion every Republican was in his seat promptly when the session was due to begin. In the meanwhile, when the reading clerk began to call the roll, one of the Democratic senators attacked him, claiming he had no right to do this until the lieutenant governor had called them to order. A small riot ensued. At this point the governor of the state entered the chamber and quiet was obtained. The governor made a brief address from the rostrum and apparent good nature was restored.

After this from 2.00 o'clock Tuesday until 7.45 A. M. Thursday the session was continuous. The presiding officer, the secretary and the reading clerk never left their chairs, the lieutenant governor even having a barber come in to shave him while presiding in the chair. Crowds of spectators were present all the time. Thursday morning gas fumes were escaping in the chamber and everybody quickly got out. The Republicans never came back. In about two hours the senate reconvened and the lieutenant governor issued warrants for the absent Republicans. The sheriff brought a physician's certificate to the effect that the Republicans were too ill to attend. The Democrats jeer that none of their number was seriously affected implying that the Republicans were merely seeking an excuse to end the long session, but there is an account of at least two Republicans being taken to a hospital. Later in the day the sheriff reported he could not find the Republicans. Later they were discovered at a hotel in Rutland, Massachusetts, out of reach of the lieutenant governor's warrants. There they declare they will stay until guaranteed safety in the senate. The Democrats have not failed to point out, however, that these same senators have left behind one of their number, to call attention to the absence of a quorum, and that up to the present, at least, he remains uninjured and unmolested. A saturated newspaper was discovered as the source of the gas fumes on the steps of the presiding officer's rostrum. The responsibility for it has not yet been established, but each side has not lost opportunity vigorously to accuse the other. Meanwhile, in the absence of a quorum, the legislature can do nothing but adjourn from day to day, a situation which may be ended by another dramatic move or which may remain until election day or even until the present legislature passes out of existence next January.

To those who go beneath the surface the whole story is but an episode in the struggle between social forces in this highly industrialized state. As far back as the Revolution there has been an almost continuous conflict between the powerful commercial and manufacturing interests to retain political power and the industrial workers who, in one way or another, have always been disfranchised and continue to be.

PROPOSED REORGANIZATION OF FEDERAL GOVERNMENT

BY RUSSELL FORBES

Research Secretary, National Association of Purchasing Agents

In the mass of unfinished business at the adjournment of the Sixty-eighth Congress was the "Departmental Reorganization Act, 1924," which was introduced by Senator Smoot on June 3. This measure (S. 3445) is sponsored by the Joint Committee on Reorganization of the Executive Departments, which was appointed during the early days of the Harding administration and which had been conducting hearings intermittently for several months.

The Joint Committee on Reorganization of the Executive Departments has the following personnel:

Representing the President—Walter F. Brown, chairman.
Representing the Senate—Reed Smoot, Utah, vice-chairman; James W. Wadsworth, New York; Pat Harrison, Mississippi.
Representing the House—J. Stanley Webster, Washington; Henry W. Temple, Pennsylvania; R. Walton Moore, Virginia.

The committee presented to the fourth session of the Sixty-seventh Congress in February, 1923, a prospectus of its plans in the form of a letter from President Harding to Chairman Brown, accompanied by a chart which exhibited in detail the present organization of the government departments and in parallel columns the reorganization suggested by the president and the members of the cabinet. This report was presented by Senator Smoot and was printed as Senate Document No. 302. The reorganization scheme proposed a thorough shuffling of activities between departments and a more logical redistribution along functional lines. It proposed the consolidation of the war and navy departments in a new department of national defense, the rechristening of the post office department as "department of communications," the creation of the department of education and welfare, and numerous transfers of bureaus between departments.

The measure introduced in June suggests only a part of the original reorganization plan. No banns announce the wedding of the army and the navy; the post office department retains its time-honored title. The bill would create, however, a department of education and relief. The secretary of the department would be an additional member of the president's cabinet. The function of the department would be divided into three major parts: education, public health, and veteran relief, each of which would be in direct charge of an assistant secretary. The new department would absorb the present veterans' bureau, the public health service of the treasury department, and the bureau of pensions and bureau of education of the interior department. The federal board for vocational education and the office of commissioner of education would be abolished.

To the present work of the department of commerce would be added the bureau of mines and the patent office, now branches of the interior department. The bureau of census would be renamed the "bureau of federal statistics" and it would absorb some of the present statistical work of the geological survey and other agencies. The work of the department of commerce would consist of three divisions: industry, trade, and merchant marine, each to be in charge of an assistant secretary.

The bureau of public roads of the department of agriculture and the office of supervising architect of the treasury department would be transferred to the interior department. Here, also, assistant secretaries would be in charge of public domain and public works, the major functions of the department.

The solicitors for each of the various executive departments, who are now attached to the department of justice, would be transferred to the respective departments which they serve.

The bureau of the budget, established by the Budget and Accounting Act of 1921, would be divorced from the treasury department and made an independent establishment, operating under the direct supervision of the president.

A bureau of purchase and supply is proposed as another independent establishment, to derive its responsibility directly from the chief executive. It would be headed by a director of purchase and supply, to be appointed by the president and confirmed by the senate. The bureau would be given authority over purchase, storage, and distribution of all supplies, material, and equipment needed for use by all agencies of the federal government *located in the District of Columbia,* excepting only the government printing office and the bureau of printing and engraving. The supply requirements of the municipal government of the District would be purchased and handled exclusively by the bureau of purchase and supply, as well as those of any field service of the government which may elect to purchase through the central agency. The bureau would supervise contractual services, such as telephone and telegraph. It would likewise be responsible for disposal of all surplus or obsolete supplies or equipment.

A revolving fund would be set up to enable the bureau to purchase supplies in bulk under favorable market conditions and to store them for later distribution to the using agencies.

The general supply committee of the treasury department, which has since 1910 operated as a central contracting agency for supplies used in the District of Columbia, would be abolished. The government fuel yards, now a part of the bureau of mines in the interior department, would become a part of the bureau of purchase and supply.

The head of each executive department would be granted authority, subject to the approval of the president, to reorganize his department in the interests of the public service.

Although failing of passage at the session of congress just closed, S. 3445 will receive attention when the Sixty-eighth Congress reconvenes in December of this year and may yet be enacted into law.

LOS ANGELES MUNICIPAL POWER MAKING MONEY ON LOW RATES

BY C. A. DYKSTRA

Secretary, City Club of Los Angeles

Contrary to propaganda distributed by opponents, the Los Angeles municipal power enterprise is making 10 per cent and amortizing the investment with rates below those paid by neighboring communities.

The *New York Times* of July 27 gives a half column to a report of the New York State Committee on Public Utility Information which makes the following general charges:

(1) That the people of Los Angeles have repudiated the municipal power enterprise by overwhelming majorities—the last time in May by 50,000 votes.

(2) That the bureau of light and power in Los Angeles has been wasteful and inefficient in administering its trust.

(3) That it fails to pay taxes as a private utility would and it pays nothing for the water used in generating power.

(4) That the annual audit by well known accountants showed a deficit for the year of $2,975,000.

(5) That more than $6,000,000 in taxes have been levied to pay interest and sinking fund charges on outstanding bonds of $23,500,000.

We in Los Angeles are so accustomed to hearing such statements bandied about during a bond campaign that they all sound very familiar. That a committee which is presumed to want the facts should publish without investigation campaign charges as facts is more unusual.

Without going into many questions involved and making a plea for our municipal power enterprise, there are certain facts which themselves answer effectively the propaganda sent out in the *New York Times.*

(1) The bond elections of 1923 and 1924 were not a repudiation of the Los Angeles power enterprise. The 1923 election proposed $35,000,000, five-sevenths of which was to be pledged to power development in the Colorado River in advance of any action by congress. The argument that it was too early to vote such a sum of money for a chimerical enterprise was effective, and though the issue received a majority of the votes cast it failed of the necessary two-thirds.

The 1924 proposed bond issue of $21,000,000 was purely for local power purposes—a three-year program of extension and betterment. The opposition declared the amount twice too large and insisted that a three-year program was too big a bite. The power bureau was tied up by a court decision and successfully kept from spending any money to inform voters of the actual situation.

Volunteer committees had to jump into the campaign at the last moment to retrieve the situation. In spite of such adversity the $21,000,000 bond issue was approved by 104,000 voters and negatived by 55,000. In other words the issue failed of a two-thirds vote by about 1 per cent of those voting. A change of some 1,200 votes would have carried the election by two-thirds.

This is not emphatic repudiation by 50,000 votes, but merely proof that a minority of one-third with oceans of money can do a lot in blocking a majority of the electorate.

(2) Is the bureau wasteful? It sells electricity at the lowest rates maintained anywhere. It produces power for one-third of one cent a kilowatt hour. The surplus power bought from the Edison Company costs a little more than 90/100 of a cent a kilowatt hour. The average cost therefore is 53/100 of one cent. The unit costs of the bureau are well under its competitors. This was shown in the rate cases before the railroad commission. Last year alone, citizens of Los Angeles would have paid $3,000,000 more for electric rates if they paid the price charged neighboring communities by other electric companies.

The Price-Waterhouse audit for 1923 showed that the profits of the bureau, despite the uniformly low rates, were more than $2,500,000. Any business man can answer the charge of inefficiency for himself when auditors declare that a plant is paying for itself out of revenues and at the same moment making 10 per cent. on the total investment.

A recent statement of the railroad commission points out categorically that the power bureau should have earnings of $8,000,000 to put into capital account in the next three years.

(3) Shall the bureau pay taxes? The law declares it *cannot.* The bureau will gladly do so if so authorized. The amount would be approximately $700,000, a mere bagatelle compared with the annual savings in rates or the profits made.

On the question of paying for water used the auditors say:

> There remains to be considered the question as to whether the power bureau should bear any portion of the fixed charges arising from the construction of the aqueduct.
>
> In dealing with this point, it should be understood that the bureau has paid for the estimated excess cost of construction at San Francisquito Canyon incurred for the purpose of utilizing the available water power. As a matter of fact, this section of the aqueduct was constructed by the power bureau and the water bureau was charged only with the amount which it is estimated it would have cost had the waterways been constructed without consideration of power requirements.
>
> We are inclined to the viewpoint that, inasmuch as it was considered essential to the City of Los Angeles that an adequate water supply be brought from Owens River, the power enterprise in the San Francisquito Canyon should be considered in the nature of a by-product of the aqueduct, and as such not to be charged with any portion of the cost of the aqueduct construction. We are further inclined to this viewpoint because the records show that whenever there is a conflict between the requirements of the water and power bureaus in respect of the amount of water which shall pass from the reservoirs above the Canyon to those below, the requirements of the water bureau prevail. This is borne out by a statement presented to us in which it is shown that on various occasions when the power demand has been heavy, the output of the power plants has been comparatively low because the demand for water was light or the necessity for conserving water imperative. In any event, it is clear that should the department continue to earn profits at the same rate as in the year ending June 30, 1921, there would still be a surplus after all other charges sufficient to meet fixed charges on a substantial valuation of the San Francisquito power site.

(4) Price-Waterhouse, auditors, report over their signature that the power bureau's profit last year was $2,693,623.34.

As suggested above, the railroad commission, the governing body for private power companies in California, reported that the bureau should put some $8,000,000 out of the next three years' profits into the plant. No more need be said except that the statement that certified public accountants declare that the bureau is operating at a loss is a plain misstatement and is taken from material published by the local opponents of the power bureau.

(5) As to taxes. It is a fact that in the early days taxes amounting to some $6,000,000 were levied for the power bureau. Of that sum more than $3,000,000 is still in the city treasury drawing interest for the general fund. It has not been used for power nor will it ever be, for the bureau is paying all interest and sinking fund charges out of earnings. Under the new charter both water and power are compelled to pay all charges without resort to taxation.

What do these five charges amount to? Everyone is misleading, if not plainly false. They were published in May in Cornelius Vanderbilt's Los Angeles paper and it is believed they were written in the offices of those who had charge of the campaign against the power bonds.

To keep the record clear it should be understood that power bonds will be voted on at the August elections. The issue will be $16,000,000, and it seems at this writing that there will be little organized opposition.

BOSTON NOW ZONED

BY L. GLENN HALL

Boston has been added to the imposing array of cities which have been zoned for the common welfare. :: :: :: :: :: ::

Signing of the Boston zoning bill by Governor Cox, in June was the final step in putting into effect the comprehensive zoning plan prepared by the City Planning Board after almost two years of intensive study. This is probably the first time, in the United States, that a state legislature has enacted a zoning law for a particular city. Outside of Boston, other Massachusetts municipalities may pass zoning ordinances under authority of the State Enabling Act of 1920. In Boston, it was found necessary to take the zoning measure to the legislature for enactment, rather than to the city council, on account of the fact that the Boston building law, which is closely related to zoning, is also a legislative act and the city government could not modify action already taken by the legislature.

THE OLD HEIGHT RESTRICTIONS INADEQUATE

Boston has had building height restrictions since 1904, when the whole city was divided, by legislative enactment, into two districts: "A," for business, with a maximum height of 125 feet, which was raised to 155 feet in 1923; "B," for residential and "other purposes," with a height limit of 80 feet, or 100 feet on wide streets. In the light of modern zoning practice these districts were not considered appropriate divisions for the operation of a zoning plan. There was a need for the whole city to be studied in all phases of city development, including the use, location and area of buildings, as well as height. A comprehensive zoning plan was, therefore, held to be a logical solution of directing the city's growth along sound, progressive lines.

Preliminary zoning studies were started by the Boston Planning Board about eight years ago, at the time of the adoption of zoning by New York. The movement for a comprehensive zoning plan in Boston was begun in the summer of 1922 with the appointment by Mayor James M. Curley, of a Zoning Advisory Commission, composed of eleven members, nominated by representative business and civic organizations, to work with the Planning Board on the problem. Technical work on the plan was started in September, 1922, with the appointment of Arthur C. Comey as zoning director. The late Nelson P. Lewis also advised on the zoning work as general consultant, and the Hon. Edward M. Bassett was retained as special counsel.

PUBLICITY METHODS EMPLOYED

Before sending the bill to the legislature, conferences were held by the Planning Board and the Zoning Advisory Commission with representatives from various organizations interested in zoning the city. A campaign of widespread publicity was begun at the time of transmitting the bill to the State House. The nine daily newspapers of Boston were the chief medium. Over 20 columns or 500 column inches were generously given to news and special articles on the question by the newspapers from January to June, 1924. Zoning maps were reproduced by three or four of the papers. One leading paper ran a full page map, together with an additional half page of text.

Explanatory literature was prepared and issued by the Planning Board. In addition to the preliminary draft of the law with a tentative colored zoning map of the city, this included an Outline and Summary of the Law, Ten Points on What Zoning Does, Advantages of Zoning Boston from Eleven Points of View (being statements from the members of the Zoning Advisory Commission), Why Zoning is Needed (a cartoon and photographs on one sheet) and two reprinted articles from the *City Record* explaining the whole plan.

In February, 1924, three public hearings were held at the City Hall by the Planning Board and the Zoning Advisory Commission. These meetings were advertised in bold face type on the front pages of the newspapers. Introductory addresses were made by members of the Board and Commission and the plan was explained in detail by the Zoning Director, with the use of lantern slides. Many of the zoning survey maps were on display. Copies of the proposed law together with the explanatory literature were distributed.

Two public hearings were held at the State House by the legislative committee in charge of the bill. The presentation of the plan before the committee by the Planning Board and Zoning Advisory Commission was unique for its completeness, clearness and clockwork exposition of the different phases of the question by members of the Board and Commission, city officials and others. The chairman of the Planning Board, Frederic H. Fay, was in charge of the presentations and those in favor of the bill spoke according to a well arranged program. Practically the only opposition to the bill came from the directors of the Boston Real Estate Exchange, who said that they were not opposed to zoning "in principle," but claimed that the question had not received sufficient study in Boston, in spite of the fact that Boston was the pioneer in establishing height regulations and the Planning Board had been securing data on zoning from the experience of the many other cities that have already been zoned during the past eight years. A representative nominated by the Boston Real Estate Exchange and also one nominated by the Massachusetts Real Estate Exchange were members of the Zoning Advisory Commission during the eighteen months' intensive study of the Boston Zoning Plan.

In making the zoning surveys and studies careful attention was given to existing conditions and customs peculiar to Boston. As a result there are hundreds of small districts on the zoning map, owing to the irregular street plan and the fact that Boston is a city almost three hundred years old. After the necessary data had been gathered and compiled in regard to existing conditions and tendencies, field trips were made, studying every block and district to find out the actual condition on the ground. At the same time the proposed classification of the neighborhood under zoning was tentatively determined.

ONLY TWO CLASSES OF DISTRICTS

There are only two main classes of districts in the Boston zoning law—Use and Bulk. Many cities have three—Use, Height and Area. In Boston height and area are combined under the bulk designation. The use and bulk districts are shown together on one map. The various types of districts are divided by heavy black boundary lines. In each district the classification is clearly marked; first, by a letter which gives the key to the use and then by a figure which is the maximum building height. The height figure also serves as a designation for the bulk districts. Thus an I–80 district is an industrial district with an 80 foot maximum height limit. Reference to 80 foot districts in the law gives the area or open space requirements.

The new law divides Boston into six types of use districts: single residence, general residence, local business, general business, industrial and unrestricted.

There are five types of bulk districts: 35 foot, 40 foot, 65 foot, 80 foot and 155 foot. As the 80 and 155 foot heights were already established by the act of 1904 and subsequent amendments, only three new height limits were introduced. The area regulations for each bulk district specify the minimum sizes of yards and courts, minimum set-backs from the street and the maximum precentage of a lot that may be occupied by buildings.

It is a fact worth noting that there are but few cross references in the Boston law. Each section of the twenty-five sections comprising the law is, in almost every case, complete in itself. Exceptions to definite provisions are incorporated in separate sections for uses under the heading, Non-Conforming Uses, and for the bulk districts under the heading, Bulk District Regulations and Exceptions. This undoubtedly makes the law clearer and more understandable to the layman, as the many references to other sections in some zoning laws makes them hopelessly complex.

PREMISES ALSO REGULATED

An important point in the Boston law is that *premises*, as well as buildings are regulated. This gives control over lumber yards, coal yards and other uses where buildings may not necessarily be erected. In some cities, zoned under municipal ordinances it has not been possible, under existing authority from the state, to zone lots where no buildings are erected.

One of the most constructive provisions in the Boston law is that of vision clearance on corners, to prevent vehicular accidents. This is also in the recent Providence zoning ordinance. It means that an open space must be left diagonally across all right-angle corners and others up to 135 degrees between intersecting street lines, varying in Boston from five to twenty feet back from the point of intersection, according to the height of buildings in the district. No vegetation may be maintained above a height of three and one half feet. The vision clearance provision does not apply in the 155 foot or downtown Boston business districts.

As Boston is comparatively free from the skyscraper problem, the larger portion of the surveys and studies were put on uses and methods of controlling the areas of buildings. While the zoning of New York in 1916 had a pronounced effect on the zoning movement in this country, the conditions in the world's largest city are so different from that of the average American city that it has been dangerous to follow the provisions of the New York ordinance. It may be said that the Boston law will probably come nearer being a model law for other large cities in the United States, although Boston is more intensively built-up than most of the newer cities. Of course each city has its own peculiar conditions and problems, but careful regulations may be followed in a general way.

PERMANENT REGISTRATION SUCCESSFUL IN MINNEAPOLIS

BY F. L. OLSON

Director, Bureau of Municipal Research, Minneapolis Civic and Commerce Association

Minneapolis permits the voter to register at any time during the year, and such registration is permanent. The new method reduces the "ballot's burden," and the taxpayer's burden also. :: :: ::

Colliers is authority for the statement that in 1896 80 per cent of the voters cast ballots, that in 1900 the percentage dropped to 73 per cent, in 1908 to 66 per cent, in 1912 to 62 per cent, and in 1920 to less than 50 per cent. These are presidential years,—years when the fever heat of politics rises to its highest point except for some special issue of local interest.

If the voters go to the polls in decreasingly smaller percentage, it is reasonable to suppose that they will likewise refuse to register themselves to qualify for voting. The facts with relation to the election of mayor in Minneapolis are shown in the table on page 489.

Up to and including 1918, municipal elections in Minneapolis were held in the fall together with the state and presidential elections. In the 1919 legislature a law was passed changing the date of election from November of the even-numbered years to June of the odd-numbered years. The local officers elected in the fall of 1918 carried over until July 1, 1921, following the election in June of that year under the new system. This resulted in requiring citizens to register every year. The people having always complained of the requirement to register for every *state* election, the new arrangement only served to make a bad matter worse. Only by the most unusual efforts was it

1	2	3	4	5	6	7
Year	Estimated No. of Eligible Voters	Registration	Per Cent 3 is of 2	Votes Cast	Per Cent 5 is of 3	Per Cent 5 is of 2
1896	(a)	48,038	....	45,046	93.8	....
1900	45,908	44,039	95.9	40,300	91.6	87.8
1904	54,826	45,434	82.9	41,978	92.4	76.6
1908	63,741	50,873	79.8	45,646	89.7	71.6
1912	77,334	55,015	71.1	43,605	79.3	56.9
1916	86,891	75,134	86.5	61,321	81.6	70.6
1920(b)	196,781	150,963	76.7	134,391	89.0	68.3

(a) Information not available. (b) First year of woman suffrage.

possible to get out a reasonable registration. Especially was this true with relation to primary elections—the most important election of the year. It also happened that the city of Minneapolis was confronted with several special elections, both local and state. Registration being required for these elections, the result was that a great cry of complaint went up against this really unnecessary burden.

So great was that complaint that in the 1921 session of the legislature a bill appeared, sponsored by members of the Duluth delegation, proposing a permanent registration scheme. The bill came in too late to be passed. In the next session (1923) a similar bill was introduced. In the meantime, the Bureau of Municipal Research had gathered data in anticipation of such a move and when the bill was introduced had interested the city clerk of Minneapolis and through him brought together a conference committee consisting of interested persons from the three cities of the first class—Minneapolis, St. Paul and Duluth. The outcome was a permanent registration bill—Chap. 305 of the session laws of 1923.

ESSENTIAL FEATURES OF NEW LAW

The essential features of the law are as follows:

1. Registration is made relatively permanent.
2. Opportunity for registration is open at all times except Sundays and holidays and fifteen days prior to an election.
3. Discretion is given the city clerk, who is made commissioner of registration, as to places where registration is carried on, and as to the general rules and regulations.
4. Voters must reregister if they fail to vote in two consecutive calendar years, record being kept on the registration card.
5. Provision is made for removal notices so that a voter by giving his last recorded residence and his new residence need not register over again.
6. The commissioner of registration is empowered to check the registration lists in any or all precincts of the city as he may deem necessary. This is done through co-operation with the post office department by return postal card. The return of a card by the post office department operates as a challenge at the polls to the person recorded at the residence from which the card was returned.

7. An original and a duplicate registration list is provided. These lists are made up on cards and call for all essential information relating to the qualifications of a citizen to vote. Those cards are filed geographically, that is, precincts and wards. This facilitates checking.
8. A master card is made up showing name, latest residence, together with ward and precinct, and is filed alphabetically. The recent primary election apparently more than justified this additional record. It was possible by its assistance to find cards that had been misplaced in their geographical filing arrangement due to clerical error in the giving of a wrong number or by actual misfiling.
9. In order that no registered person shall be deprived of his right to vote on election day, an emergency voting card is provided. This is issued upon checking through the master file to prove that the person is actually registered but that his card has been misplaced in the regular registration list. The election judge in the precinct phones to the central office and upon advice that the voter is properly registered makes out an emergency card which is substituted for the absent card in the precinct file. A similar card is made out at headquarters and placed in the original list. These are removed when the lists are returned from the precinct after the election.
10. The original registration card list is by law not allowed to be removed from the headquarters nor open to inspection. The duplicate list is open to inspection by the public and is sent to the precinct polling booths.

FIRST TRIAL PLEASING

The first test of this scheme of permanent registration was conducted at the recent June primary. Whether or not the plan was successful in persuading voters to register is perhaps best determined by comparison with the registration in former years on primary day. In the years 1921 to 1923 inclusive, there were registered the following:

1920	84,494
1921	119,126
1922	93,127
1923	110,341

The total registration at the close of May 31 of this year (the last day registration was permitted prior to the election) was 141,803. This figure compares not unfavorably with the total registration of previous years which was as follows:

1920	150,963
1921	157,928
1922	145,506
1923	122,094

Before the new law went into effect there were three registration days. There were three election officials in each precinct, the number of precincts having increased steadily until there are now 308. This gave opportunity for 924 different persons to make mistakes through carelessness, ignorance, poor handwriting and other reasons. Registration officials formerly were appointed by members of council; that is, they were the friends of the aldermen. Their knowledge of clerical work, proper filing, their ability to write a legible hand, was of secondary interest. Their friendliness to the appointing aldermen exceeded only their personal interest in the $7.50 received for services plus $1.00 for each trip for obtaining from and returning the lists to the city hall. Today every employee in the permanent registration bureau is a civil service employee. Whatever mistakes may be chargeable to civil service, and there are plenty, the least that can be said is that that plan is far superior in getting trained clerical employees for work of this kind than the scheme of appointment by the aldermen. The proof was given on May 31, when a general registration day was held in each precinct of the city. This unfortunate requirement was placed in the law over the protest of the committee that drafted the bill. Those who insisted upon a general registration day first wanted two such days in 1924 and one in 1925 as a means of giving people an opportunity to become accustomed to this new scheme. By vigorous efforts, the supporters of the bill were able to eliminate the 1925 day but were unable to get rid of the two days in 1924.

COMPARISON WITH OLD METHOD

The cards that came in from the general registration day were often a sight to behold. It was not uncommon for important facts to be omitted, the handwriting was in many cases almost illegible and so carelessly made as to make a difference in street numbers and in names very easy. Most of the mistakes disclosed on primary election day were traceable directly to these cards rather than to those made out by the trained employees of the registration bureau. Unfortunately, there must be still another registration day in October.

The economy of the system also became apparent through the general registration day. Two clerks were appointed for each of the 308 precincts and received $7.50 for their day's service and one-half of them received each a dollar for going to the commissioner's office and a dollar for returning to that office with the registration list. Together with other expenses of renting of polling places and similar costs, this one day's registration has cost the city of Minneapolis nearly $10,000. Approximately 16,000 persons were registered that day—the other 112,000 were registered between the first of January and May 31 at approximately the same cost.

A drive is to be made to increase the registration to a more reasonable percentage of the total population eligible to vote. In 1920 the bureau of census found 251,425 persons in Minneapolis over twenty-one years of age. Among these there were 29,502 who were ineligible to vote on account of being aliens. Estimating 10 per cent as the number ineligible to vote on account of not completing the residential qualifications and for other reasons, such as illness and absence from the city, there were probably 197,000 persons whose duty it was and who could be properly expected to vote at the regular election. Projecting those figures to 1924, they are as follows:

Population over 21	275,655
Ineligible due to lack of citizenship and on account of residence	59,904
Estimated number eligible to vote	215,751

If the 75 per cent "get-out-the-vote" figure used by the League of Women Voters is at all reasonable, Minneapolis should expect to register not less than 200,000. To do this means an increase of approximately 78,000 registrations between the present time and October 15. The future of permanent registration as a convenience to voters, as a means of accurate checking of the voting population, and as a means of economy, will be more and more clearly demonstrated as the elections go by. Instead of two battles with the citizens

—one to register and one to vote—the attention of political parties, civic organizations and the public press can now be directed in Minneapolis almost wholly to the duty and privilege the citizen has in taking part in the selection of the ablest persons to public office.

CONSTITUTIONALITY OF ZONING IN THE LIGHT OF RECENT COURT DECISIONS

EDWARD M. BASSETT

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Zoning is doing its proper task, and the courts are helping it along but it cannot be stretched to cover the entire field of private restrictions.

Is zoning constitutional? One might as well ask "Is taxation constitutional?" Taxation that is arbitrary, unreasonable, partial or piecemeal is unconstitutional. Just so with zoning. The main difference is that sound methods of taxation have become well known. Zoning is a new science and its principles are being worked out by municipalities and the courts. This task is fraught with difficulty, partly because municipalities often insist on a kind of zoning that has no relation to the police power, that is, to the health, safety, morals or general welfare of the community. They try to use zoning to obtain for property owners advantages which should be embodied in private restrictions. Then, too, in foreign countries courts cannot set aside legislative enactments, but in this country under our written constitutions the regulation of property rights must be by due process of law, otherwise the courts will declare such regulations void. This means that police power regulations must be reasonable and impartial, and based on the health, safety, morals and general welfare of the community.[1] It is not strange that in this country the first ten years of the development of zoning should be beset with perils and disappointments. Taking the country as a whole, one must almost wonder that the courts have so rapidly sympathized with sound zoning and by their criticisms of defective methods and unreasonable regulations are so quickly compelling this new science to adapt itself to safe and lawful grooves.

UNREASONABLE ACTS UNDER THE GUISE OF ZONING

Perhaps sometimes the courts seem to stand in the way of progress. On the other hand municipalities under the guise of zoning seek to uphold the most unreasonable and discriminatory ordinances. As an example, a hospital organization, treating non-contagious diseases, buys a ten-acre tract in a high-class residential suburban city, intending to erect a hospital in the middle of the tract. The residents, hearing of the project, urge the city officials to zone this land as a residence district from which hospitals are to be excluded. The officials yield to the almost unanimous request and the building commissioner then refuses a building permit to the hospital. Thereupon the hospital appeals to the court for protection. The city attorney tells the court that the hospital ought to go somewhere else because the residents are against it and it is an undesirable neighbor and may affect the value of real estate. The hospital can well retort, "If we cannot build in a residence district, where can we build? Would you force us into a business district where land is expensive and where there is the maximum street noise, or into an industrial district along with boiler factories and gas works?" "No," the city attorney answers, "we have created a low class or multiple-family house residence district. You can go in that, or you can locate somewhere outside of our city limits." The hospital trustees might well reply, "Your high-class residents ought to be willing to have adjuncts of civilized society like schools and hospitals near their own homes. It is unreasonable for you to try to push off your hospitals and schools into what you think is a low-class residence district or into the next town. You want to employ zoning to surround you with the bright side of life and dump into a low-class district or into the next town every necessary agency for your own welfare which it is disagreeable to have next door. This is not an invocation of the police power for health, safety and the general welfare. It is an attempted invocation of the police power for personal preferences and sentiment." The courts are likely to uphold the hospital and frown upon that sort of zoning. This unreasonable sort of zoning assumes a thousand different phases. Regardless of repeated admonitions municipalities continue to err.

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[1] *Lincoln Trust Co.* v. *Williams Bldg. Corp.*, 229 N. Y. 313 (N. Y., 1920).

LAW CLEAR AS TO HEIGHT, AREA AND BULK

The entire field of zoning outside of the subject of use has been upheld by the courts throughout this country. This embraces the subjects of height, area and bulk, courts and yards. Even if zoning accomplished no more than this, it would be a great advance on the chaotic conditions which existed prior to eight years ago. This is not to say that every case relating to height and area has been decided by the courts favorably to the municipality. Sometimes a city zones before the state has passed an enabling act for zoning.[2] Sometimes the height zoning is for a particular preferential locality that it is desired to beautify.[3] Sometimes the regulation is not related to the health, safety and general welfare of the community as where an ordinance tries to prohibit one-story stores and force all stores to have two stories or more.[4] Sometimes the regulation is deliberately intended to protect obsolete one-family houses at the expense of the normal development of a multi-family house or business district.[5] But in every case where the municipality has been empowered to zone for height or area and has framed its regulations with some relation to access of light and air, fire protection or facility for fighting fire, the courts have upheld the ordinance.[6]

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[2] *People ex rel. Friend* v. *City of Chicago*, 103 N. E. 609 (1913); *Zahn* v. *Board of Public Works*, Los Angeles, District Court of Appeal, Second Appellate District, Calif., Division One, Mar. 20, 1924; Matter of *Barker* v. *Switzer*, 209 App. Div. 151 (N. Y., 1924).

[3] *Piper* v. *Ekern*, 194 N. W. 159 (Wis., 1923).

[4] *Romar Realty Co.* v. *Board of Commissioners of Haddonfield*, 114 Atl. 248 (N. J., 1921); *Dorison* v. *Saul*, 118 Atl. 691 (N. J., 1922).

[5] Matter of *Verplanck*, Supreme Court, Westchester County, White Plains, N. Y., order of Mr. Justice Morschauser, May 4, 1923; Matter of *Isenbarth* v. *Bartnett*, 206 App. Div. 546 (N. Y., 1923).

[6] *Welch* v. *Swasey*, 214 U. S. 91 (1909); *Cliffside Park Realty Co.* v. *Borough of Cliffside Park*, 114 Atl. 797 (N. J., 1921); *State ex rel. Klefisch* v. *Wisconsin Telephone Co.*, 195 N. W. 544 (Wis., 1923).

The subject of use is to-day the only zoning battlefield in the courts.[7] Even there the courts are upholding zoning for use in nine cases out of ten. They are unanimously upholding the segregation of nuisance and seminuisance uses. This statement applies to all kinds of trades and business that cause noise, dust, odors, fumes or vibration. Laundries and garages are well within the field of unanimously supported regulations.[8] The ordinary retail store in a residence district is the bone of contention in New Jersey. The highest court of New Jersey has said that the prohibition of a store on a certain plot in a residence district under the zoning plan of the town of Nutley was not related to the health, safety and community welfare and that therefore in that instance the application of the zoning ordinance was unconstitutional and void.[9]

ZONING BASED UPON AN ENABLING ACT

It can safely be said that the constitutionality of zoning based on an enabling act has been upheld by the courts of every state where it has been tested except in the state of New Jersey, and even there the doubt centers around the one narrow point of the exclusion of a store from a residence district.

Some may say that this statement is too broad and that the courts of Missouri, Texas and California have declared against zoning. The answer is that St. Louis, where the Missouri adverse cases arose, zoned without a state enabling act for zoning.[10] Dallas, where the Texas case arose, had no state enabling act for zoning, no zoning maps and no comprehensive ordinance.[11] Los Angeles, where the California cases arose, had no board of appeals, and its zoning was piecemeal.[12] It happened, however, that in these three states the courts, in refusing to uphold the zoning ordinances, discussed in *obiter dicta* the whole subject of zoning largely from the point of view of common law nuisance. These courts did not have before them state enabling acts for zoning expressing the intention of the legislature. It is more than likely that, after these cities obtain state enabling acts for zoning and adopt reasonable zoning ordinances, the courts will again pass on the debatable subjects from the point of view of comprehensive zoning and will consider that they are not bound by the *obiter dicta* inserted in opinions before adequate enabling acts for zoning were passed.

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[7] *Hadacheck* v. *Sebastian*, 239 U. S. 394 (1915); *State ex rel. Morris* v. *East Cleveland*, 22 Ohio N. P. (N. S.) 549 (Ohio, 1920); *Salt Lake City* v. *Western Foundry & Stove Repair Works*, 187 Pac. 829 (Utah, 1920); *City of Des Moines* v. *Manhattan Oil Co.*, 184 N. W. 823 (Iowa, 1921); *Schait* v. *Senior*, 117 Atl. 517 (N. J., 1922); *Ware* v. *City of Wichita*, 214 Pac. 99 (Kan., 1923); *State ex rel. Civello* v. *City of New Orleans*, 97 So. 440 (La., 1923); *State ex rel. Carter* v. *Harper*, 196 N. W. 451 (Wis., 1923); *State of Ohio ex rel. Danzig* v. *Durant*, 21 Ohio Law Bull. and Rep. (No. 43) 395 (Court of Appeals, Ohio, 1923); *Motor Home, Inc.* v. *Hedden*, Superior Court, Los Angeles County, Calif., November 14, 1923; *City of Memphis* v. *Gianotti*, Supreme Court, Tennessee, Western Division, March 29, 1924; *Kahn Bros. Co.* v. *Youngstown*, 25 Ohio N. P. (N. S.) 31 (Ohio, 1924); *Santangelo* v. *City of Cincinnati*, Superior Court of Cincinnati, Ohio, No. 50087, June 18, 1924.

[8] *Hench* v. *East Orange*, New Jersey Adv. Rep., Vol. II, No. 26, June 28, 1924, 510 (Supreme Court).

[9] *State ex rel. Ignaciunas* v. *Risley*, New Jersey Adv. Rep., Vol. II, No. 21, May 24, 1924, 852 (Court of Errors and Appeals).

[10] *City of St. Louis* v. *Evraiff*, 256 S. W. 489 (Mo., 1923); *State ex rel. Better Built Home & Mortgage Co.* v. *McKelvey*, 256 S. W. 495 (Mo., 1923); *State ex rel. Penrose Inv. Co.* v. *McKelvey*, 256 S. W. 474 (Mo., 1923).

[11] *Spann* v. *City of Dallas*, 235 S. W. 513 (Tex., 1921).

[12] *Miller* v. *Board of Public Works of Los Angeles*, District Court of Appeal, Second Appellate District, Calif., Division Two, Dec. 21, 1923.

WHAT IS ZONING?

Now we come to the meat of the whole subject. What is modern zoning in the United States? Ten years of study, experiment, practice, legislation and litigation make possible an answer. Eight years ago the creation of building districts without state enabling acts, and the enactment of piecemeal, interim and temporary ordinances without maps were all called zoning. So long as the municipality created different regulations for different districts, there was hope that the courts would support the ordinance because the name zoning was applied to it. Such hope has proved fatuous. The courts have not heeded the name, but no one can say that they have failed to heed the realities of the police power and gradually extend its principles to the new needs of cities.

Modern zoning demands just two things: a good state enabling act for zoning,[13] and reasonable regulations in the ordinance based on the health, safety, morals and general welfare of the community.[14]

The state enabling act for zoning has been quite well crystallized. The Department of Commerce, Washington, and the Regional Plan of New York and Its Environs furnish all inquirers with carefully framed standard forms based on actual experience and the decided court cases. Each of these standard or model forms contains five elements now deemed absolutely necessary:

(1) The grant of power to regulate height, bulk, use, yards and courts and density of population;

(2) Required preliminary consideration of the needs of each district, public hearings and the comprehensive and impartial application of the regulations;

(3) Requirement of more than a majority vote of the council to effect changes after written protest of property owners;

(4) Provision for a board of appeals with power to vary the strict letter of the ordinance and maps in cases of practical difficulty and unnecessary hardship;

(5) Enforcement and penalties.

Space does not allow a discussion here of the need of a board of appeals. In the early days of zoning this was considered a device merely for rounding off the sharp corners of the zoning requirements. Such a board is now considered absolutely necessary to the safe operation of a zoning ordinance.[15] It is the safety valve of the zoning plan. A zoning ordinance like a steam boiler will sooner or later blow up if there is no safety valve. Where there is a functioning board of appeals to which every aggrieved applicant for a permit may resort, litigation automatically assumes the form of court review of the discretion of the board instead of out and out attacks on the constitutionality of specific instances of regulation. Consequently where there is a board of appeals the courts become helpers in carrying out the intention of the zoning plan. Where there is no board of appeals, instances are sure to arise which the courts must under the law declare unreasonable and arbitrary and therefore void.[16] It is not out of place to say that in Texas, California and St. Louis (Missouri) when the adverse court cases arose, there were no boards of appeals with power. In New Jersey the enabling act itself gave no power to the board of appeals to vary, but the municipality within vague limits was authorized and expected to clothe the board with its proper powers. This method was so roundabout and ill-defined that cities did not insert the proper provisions in their ordinances, and the courts did not require applicants to resort to the board of appeals in the first instance.[17] This has been remedied in a new enabling act passed this year, and we may look for a greater degree of court approval in New Jersey hereafter. It is generally conceded that, if Greater New York did not have a functioning board of appeals in zoning, some specific instance of arbitrariness or unreasonableness would have arisen about once a week during the last eight years of the operation of the law. This would have meant about four hundred adverse decisions of the courts. The zoning plan would have lost popular and official respect and would have been on the scrap heap long ago. Instead of such a result the zoning plan of Greater New York has worked smoothly for more than eight years without a word of court criticism and without a court decision of unconstitutionality. This is undoubtedly due to the safety valve operation of the board of appeals.[18]

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[13] *Opinion of Justices*, 127 N. E. 525 (Mass., 1920); *Clements* v. *McCabe*, 177 N. W. 722 (Mich., 1920); *Fitzhugh* v. *City of Jackson*, 97 So. 190 (Miss., 1923).

[14] *Handy* v. *Village of South Orange*, 118 Atl. 838 (N. J., 1922); *People ex rel. Roos* v. *Kaul*, 302 Ill. 317 (Ill., 1922); *Willerup* v. *Village of Hempstead*, 120 Misc. 485 (N. Y., 1923); *State ex rel. Vernon* v. *Mayor & Council of Town of Westfield*, 124 Atl. 248 (N. J., 1923); *Municipal Gas Co. of Albany* v. *Nolan*, 208 App. Div. 753 (N. Y., 1924); *Lees* v. *Cohoes Motor Car Co.*, 122 Misc. 373 (N. Y., 1924); *Ambler Realty Co.* v. *Village of Euclid, Ohio*, 297 Federal Rep. 307 (1924).

[15] *People ex rel. Sheldon* v. *Board of Appeals*, 234 N. Y. 484 (N. Y., 1923); *In re Permit to American Reduction Company*, Municipal Law Rep. (Pennsylvania) Vol. 15, No. 8, April, 1924 (Court of Common Pleas, Allegheny County, Pittsburgh).

The next requirement mentioned is the framing of reasonable, impartial and comprehensive regulations by the municipality. It matters not how good the state enabling act may be if the city will not frame its ordinance within the law. It is in the power of the city to bring down upon itself the criticism of the court by making a pretense of regulating for the sake of health, safety, morals and the general welfare. A recently proposed zoning ordinance of a suburban village (fortunately not yet passed) asserted that thereby the village was divided into one residence zone or district from which all two-family and multi-family houses were excluded along with all churches and hospitals, stores, public garages, laundries and factories. This is zoning run wild. It is an abuse of the police power on its face. Perhaps this village would be happier if the law would help it palm off on its neighbors every building where people work or congregate including its churches, but we are fortunate in having courts that will say that such a community cannot resort to the police power to bring about such a result however much it is desired.

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[16] *State ex rel. Westminster Presbyterian Church* v. *Edgcomb,* 189 N. W. 617 (Neb., 1922).

[17] An exception to this statement is the following case, wherein the city specifically inserted the broadest possible grant of power in the ordinance itself,—*Allen* v. *City of Paterson,* 123 Atl. 884 (N. J., 1924).

[18] *People ex rel. Cantoni* v. *Moore,* 179 App. Div. 121 (N. Y., 1917); *People ex rel. N. Y. Central R. R.* v. *Leo,* 105 Misc. 372 (N. Y., 1918); *People ex rel. Beinert* v. *Miller,* 188 App. Div. 113 (N. Y., 1919); *People ex rel. Cockcroft* v. *Miller,* 187 App. Div. 704 (N. Y., 1919); *People ex rel. Sondern* v. *Walsh,* 108 Misc. 193, 196 (N. Y., 1919); *People ex rel. McAvoy* v. *Leo,* 109 Misc. 255 (N. Y., 1919); *People ex rel. Healy* v. *Leo,* 194 App. Div. 973 (N. Y., 1920); *People ex rel. Facey* v. *Leo,* 230 N. Y. 602 (N. Y., 1921); *People ex rel. Helvetia Realty Co.* v. *Leo,* 231 N. Y. 619 (N. Y., 1921); *People ex rel. Ruth* v. *Leo,* 188 N. Y. Supp. 945 (N. Y., 1921); *People ex rel. Forty-First & Park Ave. Corp.* v. *Walsh,* 199 App. Div. 925 (N. Y., 1921); *People ex rel. Broadway & Ninety-Sixth Street Realty Co.* v. *Walsh,* 203 App. Div. 468 (N. Y., 1922); *People ex rel. Wohl* v. *Leo,* 192 N. Y. Supp. 945 (N. Y., 1922); *People ex rel. Kannensohn Holding Corp.* v. *Walsh,* 120 Misc. 467 (N. Y., 1923); *People ex rel. Ventres* v. *Walsh,* 121 Misc. 494 (N. Y., 1923); *People ex rel. Parry* v. *Walsh,* 121 Misc. 631 (N. Y., 1923); Matter of *Heepe,* Supreme Court, Special Term, Part I, opinion by Mr. Justice Callaghan, New York Law Journal, March 14, 1924, p. 2138; Matter of *Kelmenson* v. *Mann,* 237 N. Y. 615.

The sooner municipalities can understand that zoning is not a panacea, the better it will be for all concerned. Zoning is doing its proper task and the courts are helping it along, but it cannot be stretched to cover the entire field of private restrictions, or to carry out all the ideals proper and improper of exclusive residential communities.

FURTHER ARGUMENTS FOR PAY-AS-YOU-GO

MR. CUMMIN'S ARTICLE IN THE JUNE REVIEW AGAINST PAY-AS-YOU-GO AROUSES SOME VALUABLE DISCUSSION.

I. A FEW QUESTIONS FOR MR. CUMMIN

BY BENJAMIN LORING YOUNG
Speaker of the Massachusetts House of Representatives

As a partial remedy for the growing burden of public indebtedness the pay-as-you-go plan has won favor. Mr. Cummin finds fault with the plan on the theory that "the greater the length of time the payment (of taxes) is deferred, the greater the benefit to the taxpayer." This theory is based upon the assumption that money which costs the government (state or municipal) not more than 4½ per cent interest, is worth 6 per cent to the private citizens and taxpayer, an assumption of doubtful accuracy but which for argument will be admitted as true. If Mr. Cummin's theory is correct the old proverb, "Never put off till tomorrow what you can do today," should in application to public finance, be revised to read, "Never pay taxes today which can be postponed till next year or forever." Let us test this theory by a few questions.

1. If postponed payment is always beneficial should it not be applied, not merely to physical improvements, like parks and sewers, but to all public expenditures for capital purposes. Apparently Mr. Cummin himself believes in paying as you go for current maintenance. The winning of national independence, the suppression of insurrection (as in the Boston police strike), the victory in the great war; how determine on a mathematical basis the investment value to government and the term of bonds to be issued for such purposes? If payment of taxes does result in a loss of 1½ per cent to the taxpayer, without corresponding benefit, would not Mr. Cummin favor funding such expenses in permanent income bonds without maturity, like British consuls. The benefit to government of its creation and preservation must be co-existent with its entire life. Logically applied the Cummin theory would favor a perpetual government obligation at 4½ per cent rather than a burden on the tax-

payer at 6 per cent. We have not yet in America felt the need of a wide distribution of public securities as an antidote against social and political unrest and a safeguard of government stability. Shall we substitute the European theory of permanent public indebtedness for the American theory which regards a debt, public or private, as something to be paid and not maintained forever?

2. Limiting Mr. Cummin's theory to physical improvements like parks and sewers, we must nevertheless find some test for determining the reasonable life thereof. The commonwealth of Massachusetts occupies a state house the cornerstone of which was laid by Paul Revere in 1795. Additions have been made but the original investment remains in full value. Should this value be represented by outstanding debt? Improved highway surfaces wear out but rights of way, like all real estate, continue to exist often with increasing value. If Mr. Cummin's theory is correct bonds issued for investments in real estate should remain outstanding as long as the surface of the earth still endures.

WHY NOT PAWN PRESENT CAPITAL ASSETS?

3. If government has been guilty of old-fashioned thrift and has thus squeezed its taxpayers from a proper use of 1½ per cent, should not the injustice be at once corrected? Why not use present capital assets as the basis for new loans? Assume that Massachusetts has title to property worth $200,000,000 in excess of state debts. Issue bonds to this amount, and the state could finance its annual budget of $40,000,000 on borrowed funds for five years. The bonds would be secured by actual property values, while taxpayers and the business community, in addition to freedom from five years' taxes would save 1½ per cent on the total amount of the bond issue.

4. In measuring the value of its property as a basis for loans, shall the state be limited to the amount honestly and prudently invested in the public business or may it count the present value, including the unearned increment? Is the long and intricate contest over capitalization of public utilities as a basis for rate regulation to be duplicated by states and cities as a basis of deferring taxes and enriching their taxpayers by the issue of bonds?

5. Has Mr. Cummin considered the increased interest rate which would inevitably follow a large increase in government debt? If $5,000,000 can be issued at 4½ per cent can $50,000,000 on the same security, command an equal rate? Would not Mr. Cummin's theory, if logically applied, prove impossible in practice? Is any theory sound which carries the germs of its own destruction?

GOVERNMENT MUST PROTECT ITS CREDIT

6. Is the government treasury a separate financial entity, distinct and apart from the taxpayers or is it merely a central collecting and disbursing agency with no problems of its own? The business corporation must maintain its own solvency and credit regardless of its stockholders. It must not enrich their pockets by declaring unearned dividends and thus impairing its capital. The government also must preserve its own stability and credit even though taxes are levied "till they hurt." But we must not carry the analogy between government and business too far. The capital investments of a business bring increased earnings. The capital outlays of government in most cases do not. And here is the chief objection to Mr. Cummin's pro-

posal. He claims that to be wise a public improvement must be a good financial investment, must furnish service or create wealth in excess of the cost. Now in practice only a small percentage of public expenditures meets this test. Government exists, not to make investments and create wealth, but to protect life and property, to preserve order and promote the general welfare of the people. A few so-called improvements, like streets and sewers do increase taxable values or directly promote business convenience. But most public undertakings—prisons and hospitals, schools and libraries, art collections and playgrounds produce no income and create no wealth for the government. True, they serve the public welfare, but their establishment removes property from taxation and their very existence requires greater annual charges for maintenance. From the business standpoint of net earnings they are not assets but liabilities. They do, however, bring to the general community, the necessities of modern civilization, education, health, recreation, public safety and convenience, direct and indirect benefits, not to the public treasury, but to all the people. Here are benefits which, it may be argued, more than offset the burdens incident to all taxation.

The problem of public indebtedness is too complicated to be governed by fixed mathematical rules. Experience has proved that the general tendency has been to borrow too much and too long rather than too little and too short. Let us therefore congratulate Mr. Cummin upon his novel and ingenious argument but let us not apply it in actual practice until the many questions and doubts which it raises have been further considered and resolved in its favor.

II. SOME ERRORS IN THE TREATMENT OF THE PAY-AS-YOU-GO PLAN

BY PAUL STUDENSKY

Director, Bureau of State Research, New Jersey State Chamber of Commerce

Mr. Zuckerman's article, published in the August Review, covers very well some of the outstanding errors in Mr. Cummin's treatment of the pay-as-you-go policy vs. that of borrowing. A few points, however, need to be added for further clarification.

Mr. Zuckerman points out as Mr. Cummin's principal error the fact that he assumes an extraordinary high return (6 per cent) on the money which is left to the taxpayer when the government resorts to borrowing instead of taxing him. A more serious and fundamental error, however, not mentioned by Mr. Zuckerman, is the assumption that all of that money is invested by the taxpayer and earns interest for him. Apparently the fact is being overlooked by Mr. Cummin that the taxpayer, like any human being, not only invests money but spends it, and, in fact, does the latter to a greater extent than the former. The larger portion of the amount saved to the taxpayer by borrowing goes to increase his spending ability. Only a portion of it is invested. When interest is figured on that portion the figure obtained will be very small. It will offset but a very small part of the interest charges on the debt created, which the taxpayer will have to pay under the bond issue plan in addition to the cost of the improvement. The entire table so carefully prepared by Mr. Cummin, therefore, crumbles to pieces, for it is built on a wrong assumption. He could have with equal justice endeavored to compute the billions of dollars which each of us would have possessed today had our forefathers and we been able to invest their and our entire annual income each year and live on wild roots.

THE NEXT GENERATION

Another shortcoming of Mr. Cummin's treatment of the question is his inadequate consideration of the fact that whereas under the pay-as-you-go plan the cost of the improvement is borne by the generation that makes it, under the bond issue plan it is distributed between at least two generations, the one making it paying but a part of the cost and leaving the remainder to the succeeding generation to shoulder. He speaks of the "taxpayer" under both plans as if the same man financed the entire operation under either; and was losing the benefit of the interest factor for 40 years in one case and gaining it in the other. To be consistent with the foregoing fact, he should have assumed that half of the gain accrues to the second generation. But of what importance is it to the second generation (problematical as it is) when compared with the burdens which that generation has to assume on the preceding generation's account?

Mr. Cummin speaks of bond issues as the pay-as-you-benefit method of financing improvements. This is a very common conception of that plan and a very common argument in its favor. According to it the taxpayers should be called upon each year to bear only the costs of benefits which accrue to them that year. At the foundation of this "benefit" theory is a utilitarian conception of government and our life, of which government is but one expression, which is fundamentally wrong. Our task in life is not merely to satisfy our immediate wants but also to build something for the future. The task of government, is similarly twofold. We benefit from the efforts of previous generations, and posterity should benefit from our own. Each year, therefore, we should pay not only for the benefits which we consume that year, but also for some benefits which we can pass on to the future. The conception that each improvement which is of benefit to the future should be paid by the future, which lies at the foundation of the pay-as-you-benefit or borrowing plan, is fundamentally wrong.

THE COST OF RUNNING BEHIND

Another error, equally common and shared by Mr. Cummin, is the treatment of each so-called permanent or capital improvement without relation to others which preceded or will follow. If no other capital improvement than the particular improvement of 30 years duration were to be undertaken by the government for thirty years, its payment in one year would certainly have been uneconomic and unfair. But when each succeeding year launches and executes another capital improvement usually of greater magnitude and cost than that of the preceding year, then the objection to its payment that year, and passage to the future unencumbered, falls to the ground. When we trace the capital improvements of our governments far into the past we see that this is exactly what has happened. By splitting the cost of each improvement into thirty parts (on a 30 year term) and shifting 29 parts plus interest charges upon the future, we are merely bringing about an overlapping of costs and a condition by which we are all the time on the average about 15 years behind in our financing and have to pay heavy interest charges.

When we treat each capital improvement as a part of a continuous process of improvements we obtain a better understanding of the relative costs of the pay-as-you-go and bond issue plans. For the taxpayer pays annually under the borrowing plan not only 1/30 of the cost of an improvement, as is assumed by those who consider but the one improvement (if we assume a 30 year term and the serial plan), but 30/30 of the costs of different improvements performed in the past (each fraction being 1/30 of a different item) plus the interest charges on the unliquidated parts of these costs. The difference in the annual costs to the taxpayer of the pay-as-you-go and borrowing plans, could be presented mathematically as follows, if we should designate this difference as "x," the cost of an improvement as "a," and the interest on the unliquidated part of the foregoing cost as "b," and indicate the year for which the figures apply at the bottom of the symbols:

$$x_{1924}=\overbrace{a_{1924}}^{\text{Pay-as-You-go-Plan}}-\overbrace{[({}^1/_{30}a_{1895}+{}^1/_{30}a_{1896}+\ \ .\ \ .\ \ {}^1/_{30}a_{1924})+(b_{1/30a_{1895}}+b_{2/30a_{1896}}+\ \ .\ \ .\ \ b_{a_{1924}})]}^{\text{Serial Bond Issue Plan}}$$

Of course no city, or other unit of government, finances all its improvements on a bond issue plan, and very few do all of them on a pay-as-you-go basis. It would be clearly impractical to do the former, for then it would be necessary to issue bonds for every new fire engine, garbage truck, or other addition to equipment which will last several years.

PAY-AS-YOU-GO NOT TO BE APPLIED BLINDLY

Similarly, difficulties are in the way of a universal application of a pay-as-you-go policy. Now and then a year occurs when the capital outlays are especially great, rise far above the normal curve of annual improvements and cannot be paid for entirely in that year. But all that is needed then is to even the peak period by spreading the excess over the normal over several years. It is not necessary to spread the normal part itself. Furthermore, it is very seldom that such great outlays are undertaken suddenly: usually they are considered for several years in advance. Why, then, not begin to raise the money in advance and accumulate a reserve for the impending construction? Secondly, the construction of big improvements usually lasts a few years, thus affording the people an opportunity to finance a large portion of it on a pay-as-you-go plan during that period. Finally, by incurring a loan for a short term only, the balance of the cost can be covered in a few years. Thus, frequently, the improvement can be financed without mortgaging the future. Of course, there are political obstacles to such a policy, but if the policy is sound, they may be overcome.

As Mr. Zuckerman rightly points out, the costliness of the policy of borrowing is obscured by the growth of the ratables and capital outlays and, recently, the depreciation of the dollar. We are engaged in a race between the debt charges on account of past improvements (reflecting the costs of these improvements and interest for borrowing) on one hand, and the costs of new improvements and growth of our taxable wealth on the other. Whenever a community slows down in the growth of its ratables the burden of past borrowing will be felt.

OUR CITY COUNCILS

II. PORTLAND—THE COMMISSION PLAN

BY JAMES J. SAYER

Executive Secretary, Portland Association of Building Owners and Managers

The second in our series of articles on the personality of city councils.

For a city of 325,000 inhabitants, there's little fuss and feathers about the city council of Portland. It has been so since 1913, when the commission form of government was adopted. When in action the procedure is so simple it partakes of the nature of a family affair. The council chamber is a semi-circular room, with a radius of fifty feet, that a couple of hundred people will fill. There's a gallery supported by eight or ten composition granite columns, but no one hardly ever goes up there. Everything's on the level in this council-chamber, except the mayor. His seat is on a dais, eight inches above his four fellow councilmen. A becoming touch of prestige and dignity is accorded His Honor.

Within whispering distance of the Mayor are the clerk of the council, the council reporter and the city attorney. They are seated on one side of a mahogany table. Across three feet of tabletop are the newspaper men, within easy access of all official papers. At either end of this table two commissioners are seated at near-mahogany desks of customary legislative hall type. These, together with the sergeant-at-arms, personify the legislative, executive and judicial functions in the administration of city affairs.

Each Wednesday morning, from 5 to 10 minutes after 10 o'clock, the mayor announces: "The council will come to order; the clerk will call the roll; the auditor is instructed to open bids." With a wave of his stiletto letter-opener and a sweeping glance at the council's audience, that official slits open an envelope and the ceremonies incident to the official weekly meeting of the council are concluded.

It's just as simple as that. No one need be overawed by the dignity and formality of this body. It is easy to get within six feet of all members of the council. The weakest voiced woman has just as good a chance to be heard as the stentorian-voiced orator. All one has to do is to step up to the clerk's table, give one's name, and tell one's story in conversational tone. Sometimes there's a gallery of listeners; but one need not concern one's self about them.

THE AUDIENCE

The audiences, as a usual thing, consist of little groups of business men, maybe; neighborhood residents who wish to protest against the building of a public garage, or the opening of a wood yard in a residential district. Occasionally, the consideration of a franchise or some general public matter will draw a real crowd. Sometimes the interested spectators forget themselves, and when the mayor, speaking to the council, says: "Those in favor, say 'Aye'," the onlookers think it's a mass-meeting and vote, too.

Nearly all business transacted at regular council meetings follows the order as listed by number and summary title in the printed calendar found in the official newspaper. All petitions, remonstrances, complaints, reports of officers and commissioners, ordinances on first, second and third readings that have been filed with the auditor by 10 o'clock of the previous Saturday, are considered. If, however, a clerk has failed to get his report ready on time, or a commissioner wants to get quick action on something, he resorts to the vest-pocket calendar. That is, following the transaction of all regular business, the commissioner slips the paper over to the clerk. If on calling the roll there are four members present and no one objects, the matter is given consideration. Emergency ordinances are passed in this way. The prime requisites for an emergency measure are the public health, peace and welfare, and some measures get by that have but a very thin veneer of these virtues. Ordinarily, three out of five votes will enact legislation. Ordinances are read a first and second time on being introduced, but may not come up for final action until the second meeting following. Franchise ordinances must be published 30 days before they become effective.

FEW EXECUTIVE SESSIONS

In addition to the friendly, democratic spirit found there, the council meetings are notable for their openwork methods. The council almost never goes into executive session. The consideration of personal appointments or some ticklish matter of policy are the exceptions that prove the rule. There are no standing committees. Special committees for the consideration of special problems are only occasionally appointed. All legislation either originates with the commissioner in whose department it properly belongs, or if it comes from the outside, it is referred to the proper commissioner for a report. If the subject-matter is of a general nature, the council informally resolves itself into a committee of the whole. The mayor has no veto. His vote counts for neither more nor less than any other commissioner.

While there is but one stated meeting weekly, the council may be convened at almost any time. The commissioners being required to give their entire time to the city's business, they are to be found at the city hall during regular office hours. Special meetings are quite the usual thing. This makes for expedition and service to the public. In their judicial capacity, the commissioners devote one or more half-days a week to functioning as a police court. The city endeavors to guard the moral welfare of the community by licensing amusement places, soft-drink parlors, lodging houses and social clubs. Charges of bootlegging, narcotics, keeping a disorderly house, many of which are first heard at the municipal court are repeated to the city council before the license is revoked. It is really pathetic to see our five commissioners sitting *en banc* listening to petty disorderly offenses so many hours a week. Thursday of each week is visiting day. The city commissioners usually devote this day to riding from place to place about the city in their official car. "Viewing the premises" is the technical parlance for these trips.

The business of the council is usually conducted with considerable expedition. The regular sessions rarely last more than two hours, if uninterrupted by lengthy speeches of spokesmen of delegations. The commissioners themselves do not practise oratory at council meetings; the mayor only once in a while by way of emphasis. It is almost impossible for one commissioner to defeat legislation or even defer it beyond the regular routine of procedure. Emergency legislation, however, is only possible under unanimous consent and at times important matters are deflected from immediate disposal to the routine course by one vote.

MAYOR IN POSITION TO LEAD

The mayor has many real advantages over the other commissioners. He gets a salary of $6,000 a year; they get but $5,000. He is elected mayor by the people and owes nothing to his fellow commissioners. By virtue of his position, he is president of the council. He enjoys all of the prestige which comes to the mayor of one of the larger cities of the United States. He has the right to assign departments to whomever of the commissioners he pleases. For reasons sufficient to himself he may withdraw these favors. He is, therefore, directly responsible for the best results possible from the elected material before him. Quite naturally he would keep for himself those departments he believes to be of most importance or that would aid his own political prestige. He may thus dominate the council, reward his friends and punish his enemies; even go so far as to affect their political futures. This is not saying he would do it; he might.

The mayor keeps the police and public safety departments and the running of the auditorium for himself. A second commissioner has been given the water supply, all public utilities, and the public health; a third the fire department, public market and street cleaning, a fourth all public works including streets, sidewalks and sewer improvements, building permits, and electrical and plumbing inspections. The fifth has charge of public parks and playgrounds, finance, and is the city purchasing agent. The police and public park departments are perhaps inherently more politically valuable than any others. Because the city has but a limited form of city zoning, the public works commissioner probably has more grief than any other.

Experience shows there is a certain reticence on the part of the commissioners in disapproving the recommendations made by each other. Each one is jealous of the right to conduct his own departments. If approval is not given to his recommendations, it is only human nature if a tinge of vindictiveness may spice his action when an opportunity presents itself. This sort of thing has been done, but it does not happen very often. It is recognized that the commissioner in charge has usually given more study to a subject pertaining to his own department, and naturally he has much pride in the effectiveness of his recommendations. When a commissioner is puzzled over just what to do, or prefers to "pass the buck," he refers the problem to the council as a whole without recommendation.

HOW COUNCIL IS ELECTED

The five commissioners who constitute the city council are elected by popular vote from the city at large. The term of office is four years. There are no wards. Nominations are by petition signed by 100 or more voters. No party or other affiliation has to be declared. In a community which is numerically Republican, the candidate who is recognized as such has a much better opportunity of being elected. There are busy-bodies who get up blue tickets, yellow tickets and the like, and then the economic, religious and social interests of the candidates are weighed in the balance.

A non-partisan form of ballot is used. The voters are given the opportunity of first, second and third choices, and a majority of all the votes cast is necessary to election. This differs, of course, quite radically from the proportional representation plan, and does not have the same significance as a basis of representation. More often than not, to decide an election, it is necessary to include the second and third choice votes. It is not a safe plan for a partisan to vote for a second or third choice candidate, however. To do so may tend to weaken the chances of his first choice. The aggregate of the second and third choice votes may land an occasional 100 to 1 shot.

PERSONNEL

An opportunity to serve on the city council is estimated, in the public mind, from different angles. Because of the compensation of $5,000 a year, the successful business or propertied man, whether retired or active, is not attracted by the salary and yet is not willing to give his services gratis if all the other commissioners are paid. Because the salary is a good one to many, and no demand is made by the public for previous training or experience, the commissionership attracts a class of men who are not accustomed to this rate of compensation. To them, the financial reward is in itself sufficient. Politicians and opportunists are attracted to the position because it carries with it considerable political prestige, if not patronage. The ease with which one may get his name on the ballot and the comparatively small investment necessary to the average successful campaign, paves the way for many who are ambitious to get a good political start.

Once in a while a man of special training and ability to handle the intricate problems of our large municipal undertakings seeks the position for the experience it would give him personally and a genuine desire to serve the public. As it is necessary to practise the devices and tricks of the politician and the prospects of success are so uncertain, this class of man more often prefers the appointive positions. When a man of this type offers himself for election and certain organizations, technical, civic and business get behind him, they succeed in placing him.

SELECTION OF SUBORDINATES

The appointive officers of the council are usually selected by the commissioners individually, subject to the approval of the council. The mayor appoints the city attorney and the chief of police. The commissioner of public works names the city engineer; the chief of the fire department is under civil service, but a new appointee would be selected by the commissioner in charge; the commissioner of finance names the city treasurer and the purchasing agent. Each commissioner recognizes the primary right of each other to make the appointments in their respective departments. Only in exceptional cases is objection made by the other commissioners. This plan works out very well on the whole, but trading is often an influence in the selective process.

The personnel of the present council is now typical of an American community. Two out of five are native to the state. The present mayor has given a great deal of attention to politics in the past 20 years. When in business he operated a local theater and engaged in various theatrical enterprises with more or less success. A second commissioner was engaged in the printing business and was successful in a small way. A third commissioner was a partner in a dry-goods business of the department-store type in the secondary business district of the city. The fourth member was city auditor for several years and has been an executive of one of the leading fraternal organizations. The fifth member was sales manager in a large wholesale hardware house.

HAIL-FELLOWS-WELL-MET

The reason the council proceedings are so simple and democratic in practice is due to the fact that these men personally are one with the great body of their constituents. In their official relations with the public they maintain as far as possible the hail-fellows-well-met attitude, although retaining a certain dignity. They have all tried the plan of never closing the doors to their private offices. Everyone who called could see who was talking to the commissioner, even if he could not hear what was being said. They listened patiently to all stories. One commissioner protected himself by a framed motto which read: "Because I do not say anything does not mean that I agree with you." This open-door policy had to be abandoned for the most part. The mayor found he could not have any privacy. The self-importance and insistence of some people know no bounds. The commissioners found they could not get their necessary department work done. They have, to a large extent, now thrown about themselves the necessary safeguards of approach adopted by all executives.

No one of these men has had previous experience or technical training such as would give him special fitness as a city executive in charge of operations of the type and magnitude of many city problems. They are better satisfied to serve the immediate needs of the various interests of the city than to devise and adhere to a program covering a period of years. A hand-to-mouth plan demonstrates little faith in the proper development of the city. They undoubtedly possess certain native judgment and logical attitude of mind, but they lack a scientific approach to a problem.

The shortcomings of the situation are not by any means altogether of the making of the commissioners. They fall heir to a battery of employes intrenched under civil service who have more or less fitness for their positions and duties. The commissioners are dependent upon their subordinates to learn the routine of city affairs, and as a general thing they have not the patience or the training to make an adequate study of the many responsibilities they are called upon to assume.

TAX-LEVYING AUTHORITY

While tax-levying authority and spending power are both lodged in the city council, the commissioners occupy a position that is unique to most elected officials. A review of the city's budget as prepared by the council is vested in the Tax Supervision and Conservation Commission of Multnomah County. This commission consists of three men appointed by the governor. It has similar authority over all tax-levying bodies of the county. The commission may not increase a budget item. It may cut one out entirely or reduce it. To that extent it exercises a government function. It offers suggestions for methods of procedure and for economies in operation. The effect of the reviews of budgets by the tax commission has been salutary, in that more care is exercised in their preparation. There is little or no opportunity to juggle funds from one department to another. Cost-accounting methods are being instituted. No more money than necessary for the expenditures of the current year is being taken from the taxpayers.

In making up the annual budget the city council is governed by several tax limitations which restrict their spending power. Once in a while the commissioners include in their departmental budgets items for many things they would like to do. After they get the publicity that follows this course they go back to their offices and make a budget that is financially possible. The margin between the sum of the tax levy and the necessary operating expenses is usually quite narrow. Any expansion adopted must be agreed upon by all as a necessary measure. This condition largely prohibits log-rolling or one member getting more than his share of appropriations.

Under the state constitution the city may not levy for current purposes, in any one year, more than the previous year's levy and 6 per cent additional. Under the charter the city may not levy more than eight mills for general city purposes. The first of these limitations works a hardship because the constant growth in population, added to increasing service demands, has been greater than 6 per cent. The second of these limitations was found inadequate in 1917 because of war conditions, and the elimination of saloon license revenues. An additional levy of three mills each year has been authorized since that time. The demands now are such that this temporary relief must be made permanent, it is declared. Portland is not an extravagantly administered city and the tax limitations prevent a policy of expansion in keeping with its natural growth. Appeals for special funds are seldom denied by the voters, however, but the requests are usually specific and the grants are made for limited purposes.

There are further limitations in the successful functioning of the city council, due to the fact that the urban interests of Portland are divided among five other municipal bodies. Each of these perform many city functions. The Willamette River divides the city. The bridges across it are all within the city limits. The county government controls them. Some county roads extend into the city limits. The public docks commission has authority over all expenditures for the development of shipping and has restricted control of territory up to 1,000 feet from the river. The Port of Portland keeps open the river channel. The county library is primarily the public library of Portland. The school board functions for the city of Portland as School District No. 1 of Multnomah county. Many believe it would be better if these separate bodies, with the exception of the schools, were united in one body as a metropolitan district.

One general criticism that should be a part of this exhibit is that the city commissioners seem not to be versed in the history and experience of other cities. They so often take up each problem as if it were new and single to the city, when similar problems have been met by numerous other cities for these hundred years past. A city like Portland is bound to grow. Population, wealth, methods of transportation and demands for public service are changing and increasing from day to day. But all these things move along well-recognized lines, no matter if the form or type of them be different. What is needed more than anything else is a program that includes recognized and essential lines of development, such as are proceeding in an orderly manner, and that move imperceptibly from day to day as in glacial action. To the city council belongs leadership, not the fear that inheres in those who would follow and wait until they are told to do something before it is done. The commission form of government, simple as it is in Portland, is well adapted to respond to such demands.

A PLAN FOR THE REDUCTION OF CRIMINALITY

BY MAX G. SCHLAPP, M.D.

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The state must recognize that criminality is a condition of mental unhealth to be treated as other diseases are—by study and medication. The battle of alienists is now a farcical spectacle. :: :: ::

However little we may sympathize with sensationalism, we must conclude today that criminality, along with insanity and mental deficiency and defectiveness, is steadily and even alarmingly increasing. The extent of this evil growth is not to be read from prison statistics, since the number of persons actually immured bears a most varying ratio to the number of crimes committed, but rather from the total of reports and complaints and from the records of insurers against crime. These latter show a rise in the total of losses through offenses against property for the last ten-year period that would hardly be credited were its source less reliable.

INCREASE IN CRIME RELATED TO INCREASE IN MENTAL AND NERVOUS DISEASES

I mention this only by way of calling attention to the fact that the criminal problem of this day is not what it may once have been. It is essential to recognize the gravity of the situation now confronting the cities and states if we hope to convince the people that new ground must be broken and other methods devised for handling the problem of the law breaker. If, in the face of constantly better police organization, ever better prison and reformatory conditions, widespread and constant relief work, social work and other charitable enterprises, criminality becomes steadily more common and more menacing, we need not stop for further proof of the failure of the present system.

It may be necessary to recognize that the penal system is the best instrument now in hand. It is even certain that it cannot be done away with except in a gradual and well studied manner. Its ultimate discarding cannot be accomplished for some generations. But all this must not close our eyes to the bitter truth that penology is in a state of bankruptcy and that something else must take its place as rapidly as possible.

There will be protracted argument over the question of what that something is to be. In the end, however, we will not be able to escape the conclusion, so long foreshadowed in popular guesses and more or less scientific thought, that criminal conduct is a pathological matter and that the corresponding and synchronous increase in crime and in mental or nervous troubles of all types signifies that the two are related phenomena based upon a common cause. In other words, the factors which have produced the enormous rise in the percentages of mental defectiveness, feeblemindedness, nervous ailments and insanity are the same which have controlled the increase in crime. Ergo, criminal conduct must be related to the other forms of aberration. It must consequently be recognized as a condition of unhealth and it must be treated as other diseases are treated, not by punishment and imprisonment, but by study and medication.

The number of persons who know what has been done toward the scientific or medical solution of the criminal riddle is probably very small. It would be strange were it otherwise, since most of the real progress has been made within fifteen years or since the bearing of the endocrine glands and their health or unhealth upon the behavior of the human being was first recognized and studied. In that short span of time we have, however, made striking and salutary progress.

Today it is possible to say with the utmost confidence that the overshadowing majority of criminals are individuals influenced by deranged glands, either their own or those of their mothers. It is now and has for some years been possible to determine by tests, in a great many of these criminal cases, the nature of the gland disturbance. Far more important from the practical viewpoint, it has also been possible to treat such afflicted persons successfully. To use the popular tag, we have been curing crime.

THE INTELLECTUAL CRIMINALS

Most enlightened persons now understand clearly enough that many criminals belong to the idiotic, imbecilic, feeble-minded or mentally-retarded classes. Perhaps my own repeated writings on this subject have helped to spread the information that such serious mental faults are most frequently the result of gland disease in the mothers of the afflicted individuals. Indeed, this is always the case unless the fault has been caused by direct inheritance, by the intervention of infectious disease or by some kind of trauma. What is, however, only dimly apprehended at present is that many other criminals, who are in no sense feeble-minded or mentally deficient, are also the victims of gland disorders of their own. To this class belong the intellectual criminals, men and women with fully developed brains, often with high intelligence, sometimes with considerable talent, who nevertheless commit the gravest crimes and display the utmost cunning and calculation. Such offenders are now known to be glandularly affected in such manner as not to diminish their mental activity but to cause faulty reaction and, therefore, abnormal conduct at certain times, in certain trends and under certain conditions.

This last class is perhaps the most numerous of all the criminal clans and it is also the one which offers the best hope of successful treatment in the present state of our knowledge. Without going into details for the moment, it may be said that many such offenders have already been treated and "cured."

In view of these striking facts it may not be out of place to put forward a plan for the handling of criminals and delinquents which may be expected to make progress at last in this dark and difficult field.

A NEW ORGANIZATION NEEDED

The first unit of the system which, in my opinion, will soon have to be substituted for the present organization will be a central clearing hospital in every large community to which cases can be sent for study and observation, as well as preliminary treatment. The idea would be to send all criminals, even remotely suspected of derangements of any kind, to this institution for examination.

Such examinations would not be made as at present in a few cases, within a few minutes, hours or days, but with great patience and exactness, with the best equipment and the most advanced knowledge, sometimes requiring weeks for a determination.

These central clearing hospitals would contain:

First, a research laboratory where properly equipped scientists could be constantly at work devising new tests for the various still unexplored forms of gland disturbance and making constantly deeper investigations into this almost virgin field of medical knowledge. Such a laboratory would soon make a great light where there is now intense darkness. It would pay for itself many thousands of times over within a few years.

Second, a clinical laboratory, where all the known tests could be applied to the patients or suspects admitted to the hospital, where individual studies of the various unfortunates could be made and where records would be kept, records of the most complete and exact type.

Third, the observation wards, where the patients could be held, watched and treated while the study of their cases was in progress, or while the proper treatment of their ailments was being devised.

Beyond this large clearing hospital would be ranged a series of detention hospitals, infirmaries, camps, farms, schools and the like, to suit the needs of the various types of patients and offenders which would have to be handled under the new system. To these various small institutions, which would have the right to detain any patient sent them until such time as his case was considered successfully treated and his discharge indicated, would be sent the cases after they had passed through the central clearing hospital. That is to say, if X has been sent to the clearing hospital, he will remain there for some days or weeks until a complete study of his case has been made, his ailment has been determined, his type found and the proper treatment devised. As soon as this work has been finished, X is ready to be sent to a place of detention suitable to his case. With him goes a report and a statement of the indicated treatment. At the detention place X will be held and made to take the treatment until such time as he can be considered safe for release, when he will be automatically discharged.

DETENTION NECESSARY TO TREATMENT

Many will ask why the detention feature is necessary and some will complain that it is no more and no less than imprisonment under a more pleasant name. That detention is imprisonment no one will deny, but I must point out at once the vast spiritual and ethical difference between imprisonment for punishment and detention for medical treatment. This is, however, not the main point.

Our experience at the Post-Graduate Hospital has shown that in a majority of the severer cases little can be accomplished without detention and supervision. In the first place, these gland diseases require long continued, constant and frequently adjusted treatment. It may even take years before certain grave kinds of disturbance can be corrected. Again, a patient must be in a known state of physical condition when the delicate tests are applied. We can never be sure on the latter point unless we have been able to hold and observe the patient at least a day or two in advance. For example, in applying the well-known basal metabolism test it is necessary for the patient to come with an empty stomach. In case after case where incredible results came of the tests we found that the mothers of defective children had given their little ones full breakfasts before bringing them to the laboratory. When taxed with this disobedience of orders they usually retorted that they wouldn't let their children go hungry for any doctor.

Even greater difficulty is encountered in the administration of the medicines. Either the patients only pretend to take them, refuse to take them at all as soon as they are out of the clinic, forget to take them part of the time, with the result of irregular effects or no effects at all, or they take the treatments faithfully for a short time and then drop them and do not return for observation and further treatment. These unfortunate men, women and children simply do not understand diseases which are not obvious. As soon as they feel even slightly improved they drop their medicine-taking and lose all the ground gained.

For these and for other reasons, such as the public safety in the case of dangerous criminal types, it is absolutely essential to detain the patients and to see that their treatment is correct and continuous, that their mode of living is suited to their diseases, that the treatment is varied or modified as results may indicate and that no deception is being practiced. Only in this way can medical science be sure of what it is doing and be able to produce the maximum results. The schooling of certain types must also be considered.

The keeping of complete records both at the clearing hospital and at the various places of detention bears an importance which may not appear on the surface. Every little while we read of some strange and enormous crime in the newspapers or have such a case referred to our attention either by the courts or some other official agency. The name of the criminal strikes us with a disconcerting familiarity. Have we not heard it before? Do we not know this individual? A consultation of the index and filing system has again and again revealed the to us familiar tragedy. This criminal was indeed referred to us ten, twelve or fifteen years earlier, when he was a child or adolescent. He was examined and found to be defective. Treatment was prescribed and begun. For a little while, either under the impulsion of his own sufferings or the pressure of parents or guardians, he continued the treatment and made more or less regular calls at the clinic. Then the suffering or the vigilance relaxed, our patient came no more, he took no further medicine, he was given no continued treatment. He wound up just where we might have predicted—in the death house or the cell.

DEVELOPMENT OF DISEASE CAN BE FORETOLD—A TYPICAL CASE

For fear it may seem a presumption to lay claim to the power of foretelling the destination of human beings, lest some may look upon this statement as something mystical or extravagant, let me recite only one of many instances of this kind.

A dozen or more years ago a Brooklyn tailor brought me his adolescent son for examination and treatment, having been directed to me by a judge. The boy was bright, pleasant looking, mentally active and in some sense personally attractive. He was in no sense feeble-minded or retarded. His history, as told by his parents, showed, however, that he had been committing small misdemeanors since his third year. He had constantly stolen little things, played truant, stayed away from home, remained out at night, consorted with older and corrupt street gamins, conducted himself in a moody and enigmatic fashion, been a good student at school when he attended but had also been unable to continue long, had been sent to a truant school at ten years old and an institution at twelve.

We examined the boy and found him to be afflicted with a polyglandular disturbance which explained his conduct and deficiencies of stability absolutely. He was prescribed for and told to return. The records show, in fact, that he came at irregular intervals for three months, that his father reported improvement, but that after the end of that period neither the boy nor his parents came again.

When next we heard of this young man he was about 17 years old and had been sentenced to Sing Sing for a holdup. Following his imprisonment another young fellow was arrested for a burglary and our protagonist had made the confession in prison that he and not the man under arrest had committed the crime in question. The then district attorney in Brooklyn, now Judge Lewis, believed that our boy was assuming the blame to save the real culprit, who was his pal. He also was told that I had examined the convict boy years before. I was summoned to give an opinion as to the condition and credibility of the confessing convict.

I testified, to be sure, that the boy in question was unreliable and mentally irresponsible, in the sense of being glandularly disturbed. But I also told the court that unless the boy were treated and corrected he would sooner or later commit murder in the course of one of his holdups or burglaries. I also stated that the kind of gland disease from which he was suffering was progressive and that it led in time to a situation in which the sufferer was likely to commit violent crimes.

The boy went back to prison and completed his term. He was released at the end of a little more than a year and almost immediately committed a burglary and was resentenced, this time for five years. In April, 1923, the boy was released once more. In August he broke into an apartment in Jersey City and when the owner surprised him in the act he shot and killed his man, fulfilling the prediction with uncanny accuracy.

PATIENTS CAN BE CURED

This is, of course, the well-known Arnold Anderson case, which occupied so much space in the New York newspapers a few months ago, when the accused young man's own father took the stand and testified to his son's confession of guilt. Enlightened officials in New Jersey, acting on reports concerning the boy's condition, have lately been able to save this errant son of highly respectable parents from the electric chair.

Such a foresight into the probable future conduct of glandularly defective children is, as I have already said, not exceptional but common. These afflictions grow worse unless treated, they are often attended by well-established nervous and emotional phenomena and it is therefore possible to say years in advance what kind of actions the sufferer is likely to commit.

The fullest significance here rests in the fact that what can be foreseen can also be prevented. It is necessary to make two categorical statements here:

Had this boy continued his treatment under proper supervision he would not have become a criminal and would never have committed murder and ended his days in prison.

Had the boy been brought to us as a child, as soon as his peculiarities appeared, he could very likely have been normalized and made into a productive citizen.

One does not make such assertions brashly or without abundant assurance from experience. This matter is no longer in the experimental stage. There can now be little further question of the responsibility of deranged glands for much criminality or of the effects of such treatment as we are now able to give. In the last ten to fifteen years we have received and treated many hundreds of boys and girls and even adults who had shown delinquent or criminal tendencies or had already committed offenses of varying degrees of gravity, but who, after having taken the prescribed treatment faithfully over the necessary period of time, showed a complete absence of the precedent symptoms and have to date shown no further criminal tendencies. Putting it boldly, we have actually cured crime in these hundreds of authenticated and recorded cases.

It must be remembered that our facilities are meagre, the number of patients treated comparatively small and the machinery for handling them and controlling them ridiculously inefficient. So we may judge what the installation of such a system as I have suggested would accomplish, were it of adequate size and proper equipment.

We should, first of all, be able to save many thousands of children from lives of crime and inefficiency. In this way we could reduce the number of crimes, the number of incarcerated criminals, the property loss and the cost of maintaining prisons.

We should also be able to correct the troubles of many young men who had committed their first offenses, thus reducing the number of repeaters, chronic jail birds and hopeless recidivists.

With such a clearing hospital as I have suggested we should also be able to prevent the birth into the world of many defectives and deficients, the chief sources of the criminal armies. I have already said that glandular disturbance in the mother is the chief cause of defective and deficient children. With the spread of knowledge on this important point, mothers could be brought to the hospital in numbers, examined, tested, treated and normalized, thus scotching the serpent of crime before its coming into life.

THE BATTLE OF ALIENISTS

Finally, such a system as I have suggested would do away with the farcical spectacle seen at countless murder trials and other trials in the last generation—the so-called battle of alienists or experts. Certainly there has been no feature of judicial procedure in our time which has put both the bar and the medical profession into a worse light or taught the people more disrespect both for law and for science.

If the clearing hospital were in existence, with its various laboratories, not only murderers but other criminals would at once be sent there for detailed scientific examination and report. Such a report would be impartial and exact. It would be as accurate and helpful in the case of the poor man as in the case of the rich. It would not be made up of guesses, colored by the interests of the side happening to be represented by the testifying expert. Neither would it be haphazard or theoretical.

The clearing hospital examination would not be calculated to interfere with the powers and functions of the courts. It would, in fact, give judges and juries new information, correct information, and place in their hands an effective weapon to be used in the interest of exact and humane justice.

It is hardly necessary to call attention to the absurdities of the present lunacy commission plan as now effective in New York and other states. A doctor, a lawyer and a layman constitute such boards, according to the law. They sit, take testimony and file their report. The doctor is not always a competent alienist. Why either a lawyer or a layman should sit as a judge in so technical a matter as the determination of another being's sanity is even less comprehensible to a technician or anyone else familiar with the problems of psychiatry.

All this could be done away with under the plan I have proposed. The director of the great clearing hospital in any of the chief cities would presumably be a man of the very foremost rank, since he would be in charge of an institution whose importance to every member of the community would be past present estimation. His assistants should be and with proper management would be younger medical men bent upon serious scientific attainment, such men as would gladly be associated with a medical project whose importance and influence would surpass anything in scientific history. From such a corps the state could hope to get competent and reliable information, genuine public service. Judgments in lunacy from such an institution could be relied upon to do away with the present farcical confusion and pathetic, often tragic, blundering.

PENOLOGY MUST GIVE WAY TO MEDICINE

Personally, I believe that some such plan as has been outlined here will be forced upon the American commonwealths by events. When we consider that more than one fourth of the total income of the states is now devoted to the care of prisoners, the insane, the feeble-minded, the delinquent and other incompetents; when we are forced to observe that there are still not nearly enough institutions, not half enough doctors and nurses and most inadequate pay; when we see the numbers of criminals, madmen and defectives mounting year after year, we cannot fail to be impressed with the bankruptcy of the old methods and convinced of the downright necessity of a preventive program to take the place of the antiquated systems of punishment by imprisonment or otherwise.

To bring about this change we shall have to educate the public to fresh conceptions. We shall have to put the whole thing upon a medical instead of a penal footing. It will no doubt take time to bring this about but in the end even the humblest man will have to make the transvaluation. The old concept of crime and punishment will gradually give way to the scientific conception of human behavior regulated by the bodily mechanism.

Two of the first direct steps in this general educative program will have to do with parents and their children. We must teach parents immediately to bring their children to hospitals properly equipped for the study and treatment of glandular and nervous maladies at the very earliest and subtlest suggestion of abnormality or maladjustment to environment. Fathers and mothers will need to be shown that peevishness, strangeness, incorrigibility, slow development and many other phenomena in children are the first symptoms of a pathological condition, the earliest manifestations of those defects of mental and nervous function which lead to the asylum, the prison and the gallows unless immediately and consistently treated and corrected.

At the same time it will be necessary to convince mothers everywhere that the control of defectiveness is largely in their power. If they can be brought to the point of consulting a competent physician immediately upon the appearance of the signs of gland disturbances, which often manifest themselves in emotional and nervous upheavals, these ills can be corrected and their dire results prevented. Especially if such gland troubles are present during pregnancy is the danger great.

Once a clearing hospital has been established all mothers would be free to apply there for this tremendously important preventive medication. The hospital would act as an institution to forestall the production of defective children, to correct the defects of those already born, to normalize older children, adolescents and adults already on the road to destruction, to examine and reconstruct criminals and by all these methods to stop the increase and begin the reduction of criminality.

VICE IN ATLANTIC CITY

WHY NOT SAFEGUARD THE WORLD'S PLAYGROUND?

BY GEORGE E. WORTHINGTON[1]

Department of Legal Measures, American Social Hygiene Association[2]

Another article in our series on the municipal treatment of vice.

Atlantic City holds itself out as the greatest resort city on the globe—"The Playground of the World." The rest of the United States and the world, therefore, has an interest in Atlantic City's problems. That Atlantic City's problems with reference to prostitution are especially difficult may be surmised from some of the other statements which are contained in the publications which advertise that municipality. For instance, it has 1,200 hotels of all sizes, a permanent population of 50,682, an annual average population of 100,000, an average daily August population of 300,000, and about 10,000,000 yearly visitors. The problem of the transient in connection with prostitution has always been a difficult one. That a satisfactory answer can be given, however, has been shown by both New York and San Francisco. Both these cities have an acute transient problem. To Atlantic City, however, belongs the distinction of having the greatest transient population in relation to its permanent population of any city of importance in this country. This may be offered by way of mitigation, but not as a defense, for the open vice conditions which exist there today.

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[1] Member of the Washington State and New York Bars.

[2] The author desires to thank Mr. Frederick H. Whitin, secretary of the Committee of Fourteen, and Mr. Raymond S. Patterson of the New Jersey State Department of Health for their co-operation in furnishing material for this article.

Editorial Note. Mr. George E. Worthington was selected to prepare the above article because of his wide experience in the study of such conditions in many cities throughout the country both during the war and since. He was an officer in the Sanitary Corps of the Army and assigned to an important part in the work of the Commission on Training Camp Activities, which did so much to maintain clean environments near army camps both here and in France.

Mr. Worthington is an associate in the Department of Legal Measures of the American Social Hygiene Association, the national organization which has taken a leading part in advancing knowledge of social hygiene and in securing the adoption and effective administration by various national, state, and municipal governments of its various programs.

EFFORTS TO CONTROL LATE IN STARTING

The late James Bronson Reynolds, in the October, 1923, issue of the National Municipal Review, in an article entitled "A Revolution in Morals," indicates the changes undergone in public opinion on the subject of prostitution during the last twenty-five years. Most American cities have experimented with segregated vice districts, and have abandoned that policy during the last ten or fifteen years. The movement for improved conditions with reference to prostitution in Atlantic City, however, did not gain headway until well after the entrance of the United States into the World War in 1917, and the impetus for this change came largely from without. It is true there was in existence prior to 1917 an organization known as the Law Enforcement League. Present information indicates that its activities at that time were largely concerned with the enforcement of Sunday closing laws rather than prostitution laws. They did, however, in the summer of 1916, write to national and local organizations for information with reference to the success of repressive measures in other cities, indicating that a movement was contemplated by the league to take steps to close the red-light district in Atlantic City. Their plans apparently did not come to fruition, however, for reports in 1917 indicate that a large red-light district was in operation at that time. An affidavit attached to a red-light injunction and abatement action, dated January 6, 1918, states that the deponent on that day investigated conditions in the red-light district in Atlantic City. The deponent states that the district was located on both sides of North Carolina Avenue between Arctic and Mediterranean Avenues. "That on Sunday night, January 6, 1918, we stopped Police Officer No. —, on duty in Atlantic City near North Carolina Avenue, and asked where the red-light district was, and were directed to North Carolina Avenue between Arctic and Mediterranean Avenues, and were told: 'Any of them along there.' We stopped in a drug store the same night and asked the clerk where the red-light district was, and were told in reply: 'Why, over on North Carolina Avenue.'" The affidavit then gives detailed information of the investigator's visits to many of the houses in that vicinity and recites evidence to prove the existence of the red-light district. It may be interesting in passing to note that some of the same places reported in that affidavit of January, 1918, as then operating as houses of prostitution, were shown by the under-cover report of a state department as still in operation between July 4 and 6, 1924.

INJUNCTION AND ABATEMENT LAW DEFEATED IN THE COURTS

Mention already has been made of the Injunction and Abatement Law. This law was enacted by the New Jersey legislature in 1916 (Chapter 154, Public Laws, 1916). This was a civil proceeding in a court of chancery, providing for the abatement, in a suit brought in the name of the state, either by a private citizen or the prosecuting attorney, of a public nuisance, labeling houses of prostitution as such nuisances, and enjoining the owners, lessees, keepers, and inmates from maintaining the same. This act was amended by the act of March 4, 1918 (Public Laws, page 739) which added to the category of acts mentioned as nuisances the habitual unlawful sale of intoxicants.

To secure the enforcement of this law, investigators, under the direction of Frederick H. Whitin, secretary of the Committee of Fourteen of New York, acting in co-operation with the Commissions on Training Camp Activities of the war and navy departments, secured evidence between August, 1917, and January, 1918, and six injunction and abatement actions were brought, four of which were contested. Temporary injunctions were granted in all cases. In the two uncontested cases the owners, who controlled property on which were located ten resorts, closed all of these places upon their own volition. Thereupon, Mr. Whitin reports, the city authorities directed the closing of the entire district. This was effected in March, 1918. Judgment was rendered against the defendants in the four contested actions, and appeals were taken in all cases. Three of the appeals were dismissed on technical grounds. In the fourth case the appeal was successful and the injunction was set aside on the ground that proper proof of ownership had not been made. These, however, together with subsequent actions which were begun, had the effect of keeping closed, at least for the war period, houses of prostitution in Atlantic City.

In the early part of the summer of 1919 the law enforcement activities which had been carried on during the war under the auspices of the war and navy department Commissions on Training Camp Activities were taken over by the United States Interdepartmental Social Hygiene Board. About the same time another event having a most important bearing upon the situation occurred in the decision of the New Jersey court of errors and appeals of June 20, 1919, which in the case of *Hadden* v. *Hand* (107 Atlantic 285) declared unconstitutional the New Jersey Red-Light Injunction and Abatement Law. This decision is unique in several respects. First, it is the only decision that has been rendered by an appellate court in the United States declaring a red-light injunction and abatement law to be unconstitutional. Second, the court, in its decision, utterly ignores the decisions in more than a dozen other states and of the United States supreme court, upholding the constitutionality of almost identical statutes. With reference to this decision, one of the attorneys concerned with the appeal writes as follows:

> Your surprise at the outcome of the suit is no greater than mine, and that of the eminent counsel who assisted me in the preparation of the briefs. Two causes, I think, conspired to produce the result. First, the original act, applying only to disorderly houses, was amended to include violations of the laws concerning intoxicating liquors. . . . Secondly (and this seems to me to be the gist of the opinion) we had to contend with the perennial jealousy of the supreme court judges (who make up the majority of the court of errors and appeals) of the growing jurisdiction of the court of chancery.

That this interpretation seems to be borne out by the decision is indicated in the following language of the court at page 290:

> What we are met with is a legislative attempt to abstract from and to shear the supreme court of its common law power and prerogative right vested in it by the constitution, and an attempt to transfer to and settle such power on a court of equity. This surely cannot be lawfully done.

CONDITIONS FOLLOWING ADVERSE DECISION

The effect of this decision was almost immediate upon the underworld of Atlantic City. The criminal laws on the subject of prostitution were notably inadequate, the only state law remaining on the subject being that of the common law relating to nuisances, which is most difficult of enforcement.

An Interdepartmental Social Hygiene Board report, dated June 23, 1919, contains the following statement:

"Atlantic City is becoming bad." Another report, dated July 28, states: "Agent reports that Atlantic City is beginning to open up." Another report, dated August 7, states: "Atlantic City seems to be the only city in New Jersey needing immediate attention. Agent reports that there seems to be no doubt that the old red-light district will be reopened."

A report dated October 6, 1920, indicates that several houses in the old district on North Carolina Avenue had reopened. A report dated July 31, 1921, shows the existence of at least six open houses of prostitution and also unsatisfactory conditions in several cabarets.

On June 30, 1922, the field staff of the United States Interdepartmental Social Hygiene Board was discontinued, and we must turn to other sources for information.

In the meantime, in May, 1922, an under-cover investigation was conducted by the New Jersey state department of health which showed the existence of sixteen open parlor houses of prostitution in the 200 block of N. North Carolina Avenue. Copies of this report were delivered to the Atlantic City authorities by representatives of that department.

In July, 1922, a series of articles appeared in the New York *Daily News*, exposing vice conditions in Atlantic City.

A reinvestigation by the health department in August, 1922, indicated that the district had been closed. The report states: "On Friday, August 16, 1922, members of the state constabulary, accompanied by local police officers, raided two houses of prostitution and warned the occupants of other resorts to discontinue business and to leave the district. The raids occurred between the hours of two and five P. M., and but six arrests were made, including two madams and four inmates." In speaking of this raid, a member of the underworld gave the following information to the investigator:

> Word came to us a week before the day of the raid to be on the look-out, that Trenton was raising hell and we could expect some of the state boys down to help our boys close us up. Figure it out for yourself. They raided in the afternoon and all the girls, with the exception of those they caught, were bathing. They tried all the houses but got no answer, and when they found that there was actually somebody in two of the houses, why, they broke in the doors and arrested the girls and two of the madams. The bunch that are running things in this town are so good that they don't come any better. They didn't want to close us up but they had to come through when the crowd at Trenton asked them. We shut down when we got the word, and now we are waiting to open. It's a gold mine down here. . . . I've made mine down here in the last three years and to tell you the truth, after this season is over I don't care if they continue or if they don't.

Speaking of the article above referred to in the New York *News*, the underworld informant said:

> The *News* has a big circulation in Atlantic City, and naturally the local papers copied part of their stuff. That stirred them up and the publicity, along with the crowd at Trenton, made our bunch comply with the order to close. Now after this storm is over, we'll be back and going full speed again.

Another factor which should have a bearing on the law enforcement situation occurred in 1922 in the enactment by the New Jersey legislature of a vice repressive law (Chapter 240, Public Laws, 1922), which punishes as a misdemeanor the keeping or operating of any place, structure or vehicle for the purpose of prostitution; occupying any such place or vehicle for such purpose; receiving anyone thereon for such purpose; directing or taking anyone to any such place for such purpose; procuring or soliciting for such purpose; residing, entering or remaining in any such place or vehicle for such purpose, or engaging in prostitution. It also contains the following definition: "The term prostitution shall be construed to include the giving or receiving of the body for sexual intercourse for hire and shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire."

This law apparently strikes at all of the conditions under which prostitution is carried on at the present time and penalizes not only exploitation but also the activities of the prostitute and of her customer. It is based on a law drafted by the government during the War, and is similar to the enactments of a dozen other states since 1919. The machinery was thus provided for suppressing at least the outward manifestations of prostitution.

RESULTS OF UNDER-COVER INVESTIGATION

The next information with reference to Atlantic City conditions is contained in an under-cover investigation report of the New Jersey state department of health dated June 23–26, 1923. A portion of this report reads as follows:

> Atlantic City's segregated district consists of 11 houses of prostitution in which are harbored 35 inmates and was reopened for business on June 23. Each house is presided over by a madam or her housekeeper. The inmates share 50 per cent of their earnings with the madam and in addition the inmates pay a weekly room and board fee. . . . Many of the inmates were brought over from Philadelphia by the madams. . . . Shortly after the opening of the district the usual stream of customers was seen visiting the various houses. It is the concensus of opinion among the madams and inmates that this year will be a banner year for them. They are confident that they will not be interfered with by the local authorities.

The report also describes deplorable conditions found in the cabarets, especially the "black and tan" ones. This information was brought to the attention of the appropriate authorities in Atlantic City on September 1–3. A reinvestigation was had which showed the existence of 11 open houses of prostitution in the red-light district in which a total of 38 inmates was counted by the investigator. Conditions in the cabarets were, if anything, worse than those reported in June.

THE PRESS TAKES NOTICE

These conditions received considerable comment in the press throughout the country. The Atlantic City *Evening News* of Thursday, September 27, 1923, contains the following statement:

> #### RESPONSIBILITY FOR BAD ADVERTISING IN PAPERS LAID ON OFFICIALS
>
> Trenton, Sept. 26—It was learned here today that all of the "bad advertising" which Atlantic City recently suffered in Newark and other newspapers was due to the fact that the resort committed the same old blunder of failing to prevent the North Carolina Avenue segregated district from flourishing last summer.
>
> The press correspondent has seen official records, procured as public property from a bureau in the state department of health, which is operated jointly by the state and by the federal government, disclosing—
>
> First, eleven vice dives were opened in the 200 block on North Carolina Avenue early in the summer.
>
> Second, that state investigators visited these dives and obtained evidence on June 24 last and again on September 1, 2, and 3; and that on and after September 6 all closed, save one, and a café which is alleged to be engaged in the same traffic.
>
> Third, that on June 7 last, the director of the state department of health wrote a letter to the mayor of Atlantic City, calling his attention to the fact that Dr. A. J. Casselman proposed to state in his annual report of the bureau of venereal disease control that Atlantic City was one of the two cities in the state which allowed a recognized vice district—the other being Paterson; and the director asked the mayor to state that the district would not be allowed to remain open in order that he might ask Dr. Casselman to omit the name of the city from his report.

Fourth, that on June 9 the mayor replied to the director, stating that local police had always co-operated fully with the state representatives; that orders had been given some time previous to close up the segregated district; that two dives were raided only that week; and that the mayor did not want the director to omit any evidence he might have in his annual report to the governor.

Fifth, that another letter was sent to the mayor from the state director on June 29, giving results of an investigation in Atlantic City on June 23 and 24, two weeks after the letter from the mayor, stating that orders had been given to close the segregated district, and calling again for a statement of the mayor's intention to close the district permanently. This letter included a statement by the investigators that the segregated conditions were at that time considerably worse than they were during a previous inspection in August, 1922.

Sixth, that on July 9 the mayor wrote to the state director that "Everything humanly possible to be done has been done and is being done," and suggesting that a state representative call.

Seventh, that twice during July and August Dr. A. J. Casselman, consultant, and R. S. Patterson, chief, of the federal-state bureau, called on the mayor and director of public safety of Atlantic City, each time receiving promises that the district would be closed.

Eighth, that the state records show the district continued to flourish, the resort authorities apparently being powerless to get the police to act, and that then the state department of health appealed to the governor; that the prosecutor of Atlantic County was asked to take action, and ordered raids. . . .

THE "WHY" OF "BAD ADVERTISING"

The correspondence on file—and a part of the official records of the state—provides an interesting insight into the causes of "bad advertising" which Atlantic City frequently receives. In this instance, apparently, the whole of Atlantic City, with its many legitimate interests, clean attractions, big enterprises and wholesome community life, was made to suffer in the press of the state and country because the resort failed to suppress not more than two dozen backtown divekeepers who make a habit of coming here in the summer and preying upon Atlantic City's reputation by commercializing vice.

One of the documents on file here states that when Prosecutor Repetto raided he found most of the places closed and declares that the proprietors were "notified in advance." It continues to say that the prosecutor did succeed in having one defendant indicted, but that as soon as she was released under heavy bail, she immediately reopened the dive.

The records state that all of the dives in the segregated district, save one, were closed tight on September 6—before the pageant—and have remained closed ever since. One café, which the state investigators charge with being as lawless as the segregated district, is still open, it is claimed. In fact, the records name several cabarets and small hotels on the north side of the city as being in the same vicious class as resorts of the segregated belt, and cite addresses, names and specific instances. Rooming houses of doubtful reputation are also specified.

In the reports of state investigators are several alleged conversations with divekeepers which are of the most sensational character.

LOCAL NEWSPAPERS NOT INDIFFERENT

An editorial containing very much the same material appeared in the Atlantic City *Daily Press*, of the same date. This editorial, among other things, contains the following statement:

> How absurd and unfair that a great, big, fine institution like Atlantic City should be embarrassed and injured with detrimental publicity, simply because we are foolish enough to tolerate a handful of outside divekeepers who come here and conduct a segregated vice district! . . .
>
> It is seen that this police surrender to scarcely a corporal's guard of crime is the basic cause of at least one national criticism of Atlantic City—perhaps many, or all of them. As a good business policy for municipalities this is surely not impressive.
>
> No question of "sane liberality" is involved; be not confused by that. Ninety-nine per cent of the people who live in Atlantic City, ninety-nine per cent of the people who visit Atlantic City, perhaps more, do not know it when a segregated vice district is operating; its existence or non-existence means nothing directly to them, except from the general moral viewpoint of course. Nor is it at this time necessary to involve as an issue the moral aspect of the situation; that, too, is irrelevant.

> The sole point is that to permit a handful of vice-purveyors, outcasts from other cities, to come here in the busy season and create a condition which supplies the basis for outside attacks on the morality and good name of Atlantic City—a corporation of many million dollars annual turnover, is business folly of the worst kind.
>
> If local police authorities are incapable of dealing with the situation, as the evidence at Trenton would seem to indicate, it will be necessary for the legitimate business and property-owning interests of the resort to take a hand another summer, and see to it that they provide the police service which this city demands and is entitled to have. They have enough at stake to make this determination worth while.

Similarly the Atlantic City *Union* of September 8, 1923, states editorially:

> . . . It seems that the state authorities make repeated protest against the flourishing northside district but the police were unable to cope with the situation. Why? Surely a police department should be so constituted as to rid a community of undesirable elements. Can it be that because of incompetence such a move could not be taken? It is to be regretted that so much publicity was given existing vice conditions here. It is not good for the resort to get the reputation of being "loose." Laxity in the enforcement of rigid moral laws always proves a boomerang.

A state health department report of May 2–4, 1924, reads as follows:

> During this time I visited a number of houses of prostitution in the 200 block of N. North Carolina Avenue, previously reported as operating with white prostitutes, and found them temporarily closed. I was told that they had been closed since the first of the year, due to the activity of the Grand Jury, which is expected to cease in about two weeks, after which time the keepers expect to reopen for the season.

Three open houses were found on N. North Carolina Avenue and five others were found near by. Conditions were reported not to be as bad in the cabarets as previously. Predictions made to this investigator seem to have been accurate, because a report made for the state department of health, July 4–6, 1924, shows that sixteen houses of prostitution were operating full blast in the district, and the conditions in cabarets were found to be even worse than those reported upon in the previous year.

The foregoing review of reports shows a series of closings and reopenings of the segregated district. It shows a cowardly underworld, on the one hand, quick to run to cover, and easily closed upon any exhibition of determination on the part of the authorities. It shows, on the other hand, a vacillating policy on the part of the authorities, an ostrich-like attitude, and a failure in law enforcement where it would have been doubly easy because of the co-operation rendered by an interested state department.

WHAT THE AUTHORITIES SAY

What account do the authorities give of themselves? Interviews were had by the writer with the mayor, chief of police, the assistant prosecutor (in the absence of the prosecutor), and the city recorder. All claimed ignorance of the existence of a district or even of open prostitution. The mayor said: "Our policy is to prosecute them every chance we get. The chief has orders to that effect." The chief informed me that the houses are closed every time that he finds that they have reopened, but he said: "I don't permit any of my men to secure evidence against sporting houses." The chief further stated that his difficulty lies in the fact that when prostitutes are brought up before the recorder only small fines are levied, and the prostitute is turned loose only to repeat the previous performance. (There is much to be said of the futility of fining in prostitution cases. It is a practice which has been abandoned in New York for more than a decade.) The recorder was interviewed after the conference with the chief of police, and he seemed to treat the whole matter with considerable levity. For the purpose of verifying the statement of the chief with reference to the reported practice of giving small fines, and of determining just what disposition was rendered in prostitution cases, a request was made for permission to examine the docket for a specimen period. Permission was at first flatly refused. Later the recorder stated that the examination might be made a week later. The recorder was informed that this would be impossible, but he remained arbitrary. He gave the absence of the clerk as a reason, although the assistant clerk was present and had the docket open. Inasmuch as the recorder furnished no evidence to the contrary, the writer must assume that the statement of the chief with reference to fining is correct. The recorder stated that the women who came before him were mostly street walkers and that he had jurisdiction to pronounce a sentence in the county jail for not exceeding 390 days as well as the option of assessing a fine.

Violations of the Vice Repressive Law, above quoted, are prosecuted in the court of common pleas. A record of all such cases is therefore contained in the docket of the prosecutor of the pleas. Access to this was freely given. Between April 1, 1923, and July 8, 1924, forty-two cases have been entered, including keepers and inmates of houses of prostitution. All but four were indicted by the grand jury. Of the 38 indicted, 11 had been tried prior to July 8, 1924. Of the 11 tried, three were convicted, and of the three convicted, sentence was suspended in the case of one disorderly housekeeper, another received two months in the county jail and the third received eight months in the county jail. In passing, the writer cannot refrain from remarking that the good citizens of Atlantic City might be interested in learning the name of the defendants' attorney in some of these cases.

An examination of the prosecutor's docket was made, from the time the Vice Repressive Law went into effect in 1922 to July 8, 1924, to determine whether or not the law had been enforced against the customer of the prostitute. Not one case of this nature could be found.

VICE FIGURES IN ELECTION

What is Atlantic City going to do about it? The underworld admittedly still seems to be strongly entrenched and figuratively is thumbing its nose at those who desire to improve conditions. In January, 1924, a small publication appeared, entitled "The Atlantic County Good Citizen." It purports to be the official organ of the Atlantic County Clean Government League, and states that it is published every Thursday. It apparently took an active part in a recent election in which a candidate for the office of mayor, running on a clean government platform, was defeated. A number of prominent citizens, who are interested in better government, were interviewed. They feel that hope lies in the organization of a non-partisan committee, composed of representative citizens, who will sponsor a thorough and exhaustive survey of vice conditions in Atlantic City, which will place responsibility therefor where it belongs, and whose members will keep informed on the efficiency of the police, courts, and other agencies involved, and will take such steps as are necessary to see that these laws are enforced, and that the law enforcement machinery runs smoothly. With such a program carefully laid out and conscientiously and intelligently carried on, the "World's Playground" would become a cleaner and safer one.

RECENT BOOKS REVIEWED

Government and Politics of Belgium. By Thomas H. Reed. New York: World Book Co., 1924. Pp. xv, 197.

To the new series of Government Handbooks, edited by Professors Barrows and Reed and already including volumes on Canada, Switzerland, France, and the German Empire, an important addition is now made by Professor Reed's *Government and Politics of Belgium*. Indeed it may well be described as the most indispensable unit of the series, for other works in English are available on the countries dealt with by earlier volumes whereas "it is a fact, lamentable if not surprising, that no English or American writer has devoted more than a few pages to the systematic exposition of Belgian government and politics."

Professor Reed has cultivated this neglected field with admirable thoroughness and yet garnered his fruits into such brief compass that not only the student but he who runs may read and partake of the harvest with profit. To the author Belgium is not the "piteous corpse" of the four terrible war years but a "creature tremendously alive," and *par excellence* "a land of experiments," "the social laboratory of Europe." Most of the studies on which the book is based were made in residence, beginning with the winter of 1922. Professor Reed discusses first the land, languages, and people; follows this introduction with an excellent historical survey; and then takes up in order the constitution; electors and elections; the chambers; king, ministers, and administration; justice; local government; and political parties. A better conception of the wealth of suggestive topics which he treats may be gained by listing the principal political experiments which constitute the essence of Belgium as Professor Reed sees that country. These include the action taken in dealing with the terribly confused and perplexing language question; the extreme freedom of the press; the plural voting experiment which lasted from 1893 to 1919; proportional representation with an admirably lucid exposition of the d'Hondt system in effect since 1899; compulsory voting beginning in 1893; co-optation in choosing twenty-one out of one hundred and fifty-five senators; and finally the high development of political party organization and life.

While in general extremely sympathetic, Professor Reed does not fail to point out the shadier aspects of Belgian government and politics, as, for example, the devotion of administrative authorities to what the French call "*paperasserie*," *i.e.*, the multiplication of official papers and interminable correspondence with consequent delay in handling public business; the failure of the judicial system to protect citizens against the state and its agents; the use of party influence in matters of appointment and promotion; and the defects of Belgian city government which the author surveys with the trained eye of the actual administrator. No doubt we have much to learn from Belgium, yet we may be thankful to be spared the religious question in politics and the bitter language differences which go so deep as to threaten the unity of the country. Professor Reed's account of the latter is particularly illuminating, absolutely free from prejudice, and optimistic, for he concludes: "There *is* a soul of Belgium, battle-bred, whose spiritual accents dominate the chattering of French or Flemish partisans."

Among so much that is excellent it is hard to select any one feature as pre-eminent. Perhaps it is the personal predilection of the reviewer which determines a decision, but to him at least the concluding chapter on political parties seems of transcendent interest. Thoroughgoing as our American political organizers have been they have missed many methods, not only effective but wholesome as well, which Belgian party leaders have put into practice. Thus after looking out for his interests from birth and through childhood the Belgian Socialist "when he starts to work joins a Socialist union and insures in a Socialist mutuality. He eats Socialist food, wears Socialist clothes, sleeps in a Socialist bed, spends his evening in a Socialist café or cinema, reads a Socialist paper. When he is ill, he finds relief in a Socialist clinic from a Socialist doctor who prescribes medicines which are compounded in a Socialist pharmacy. Finally, he sinks to rest in the blissful consciousness that his children will be even more Socialist than he." Vivid as is this summary the reader must consult the chapter as a whole to gain an adequate idea of the prescience and providence of the Belgian party for its members.

Admirable in its sense of proportion, copiously supplied with foot notes to the literature of the subject (nearly all of it in French), rich in illustrations and comparisons drawn from the experience of other countries, particularly the United States, excellently written in terse and vigorous English, and fully indexed, Professor Reed's book completely meets the need not only on teachers and students of government but also of publicists, editors, and men of affairs generally.

Robert C. Brooks.

Swarthmore College.

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Problems of Public Finance. By Jens P. Jensen. New York: Thomas Y. Crowell Company. 1924. Pp. 589.

It ought to be said immediately that as a text for American undergraduate students of public finance this is by long odds the best book available. The whole field of public finance, divided into the well known quartet of public expenditures, public revenue, public credit and fiscal administration, is covered in quite adequate detail. The principles are illustrated from existing taxes in this and other countries. Such of these taxes as are important are fully described. The writer gives evidence of being able to distinguish between bulls'-eyes and buncombe, and this is more than can be said of certain of his predecessors in this field. Not that the book is highly erudite but that, in the main, it is thoroughly sensible. Its defects seem to the reviewer to be: (1) a failure to bring the treatment of public expenditures into the realm of reality, (2) a general lack of decision. The first of these defects is common to most books on public finance and cannot be remedied without coming to a consideration of specific activities on the border line between public and private business with the reasons for and against the one and the other methods. The second defect is due to an undue zeal for judiciality. It is the reviewer's conviction that for immature students a considerable amount of dogmatism is necessary. Unless a definite position pro or con is taken on any given issue, such students will come away from the study with a shimmery impression which makes for infirmity of purpose when the need for action arises. In this connection certain points of principle might well have been more strongly emphasized. There is no doubt, for instance, that many of our greatest difficulties in taxation arise from the failure to distinguish between such property and income as is purely positive and that in which the positive and negative aspects (assets and liabilities) compensate one another. To illustrate. An unencumbered business site is purely positive property, a mortgage on such site is an asset to the mortgagee and an equal liability to the mortgagor. The receipt of dividends on shares of stock in a corporation is an asset to their owner but his right to those dividends is a liability of the corporation. The logical inferences of this distinction with regard to property and income taxes are not as clearly drawn by Professor Jensen as they should be.

But these are defects chiefly of emphasis and the book is so much superior to those with which American teachers have been hitherto forced to get along that it seems churlish to insist upon them. Most of us look for better bread than can be made of wheat but judged by a more reasonable standard this book must be held to constitute a satisfactory performance.

Frank D. Graham.

Princeton University.

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Political Parties and Electoral Problems. By Robert C. Brooks. New York: Harper & Brothers, 1924. Pp. 638.

By this handsome volume of 638 pages Dr. Brooks has put all students of his subject, and that should mean most of our voters, under obligation to his industry, scholarship and inspiring power as a teacher. No end of articles, editorials, essays and speeches will be helped along by selective use made of the materials accumulated herein from the author's twenty years of professorial work. The mass of facts set forth is both serviceable and appalling, especially as one realizes how continually the abundant notes and references lead a reader out into cosmic areas of data.

The basis of the book is historical and factual. Parties exist in the modern monistic state and are concerned with nominations, campaigns, elections and administration. Generalities get only 44 pages in Part I, "Nature and Activities of Parties Generally." The rest of the volume is within the United States. The "Development of Parties to 1920" claims 92 pages, two-thirds being devoted to the years since 1904, and is of course a summary sketch of main facts with valuable references and suggestions. Chapter VII, "Minor Parties and Their Platforms in

1920" is over a third of this second part and testifies to Dr. Brooks' conscientiousness as a dissenter.

Part III, "Present Conditions of Parties in the United States," runs to eight chapters and 288 pages, and is a book in itself. Herein the author lays down his most effective barrage of fact. Philosophy is what may seem lacking. The reviewer is not able to reconcile the definition of a political party (p. 34) with the need of changed personnel (p. 174) and with the definition of a political boss (note p. 198). The general principles of Part III seem both limited and antiquated by comparison with the scope and timeliness of the facts presented. It may be that in politics we Americans are more disposed to heap up facts than to learn from the facts, especially if these latter run counter to our own predilections.

Part IV devotes 160 pages to "Problems of Party Reform." A great deal of what is here wanted seems to require rather the reform of our tangled election methods and administrative organizations. Perhaps the author has too much of our American joy in devices and our equally American disregard in politics for the nature of human nature. No doubt man is a political animal but is he or she a political trained seal and able to live by exhibitions of skill?

The American voter carries a vastly heavier burden than any other. This is not made clear in the short ballot argument. Also, our voters are not, at present, given sight of results that they can get by going to the polls. Voting is a duty (p. 545) but hardly the duty of doing post-graduate work in political science. To one reader at least the chapters on proportional representation, initiative, referendum, recall and civil service, seem to make faint any hope of active participation in politics (chapter XX) save by a small and very conscientious minority.

This book is written primarily for use as a text and cannot be ignored in any live course on government. But some day Dr. Brooks will write on the American voter's work and will give a clearer line on the betterment of our political ills.

W. L. Whittlesey.

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Suburban Transit Problem. Report of Daniel L. Turner, Consulting Engineer to the Transit Commission of New York; 1924.

In authorizing this study the Transit Commission stepped somewhat outside of the immediate scope of its office as a New York state body for regulating, planning and helping to expand the transit system of New York City; but the need of initiative in the subject matter, and its vital relation to urban transit is so great that the study is to be welcomed. It ties in chronologically with the Plan of New York and its Environs being prepared in connection with the Russell Sage Foundation. Geographically it covers an area of 40 miles radius, embracing parts of Long Island, Connecticut, New York state north of the city, and New Jersey. The suburban railroad traffic in this area, into and out of New York city, is stated to be 20 per cent of all the steam railroad traffic in the United States; the number of suburbanites daily entering and leaving the city are estimated at 550,000 now and 1,000,000 in ten years. To handle these it is proposed to connect the existing suburban railroads with a loop system carrying the trains directly into Manhattan Island and delivering the passengers close to their destinations, thus eliminating a great amount of terminal congestion and supplementing and relieving the existing city subways. Without equipment, the scheme calls for half a billion dollars, in financing which a pay-as-you-go policy is urged, with annual assessments on the states, counties, and railroads benefited, for eight years. The total cost with 25-year bonds is given as nearly twice as much; and as a further argument for the short plan the warning is given that the next generation will have its own similar problems and should be left free to handle them.

An incidental but far-reaching suggestion in the scheme is for two new 120-foot north-and-south streets in Manhattan, one on each side of the island, with subways for the suburban loop system underneath, and an upper deck for express motor-car traffic, the two decks for vehicles adding 36 traffic lanes, or 42 per cent, to existing street capacity north and south.

The plan is a bold and comprehensive one. It calls for difficult co-ordination among many political units, which in itself would be a notable achievement for all concerned—the more notable if along with such a scheme of efficient transportation and effective "relief" there would result some concerted action to cause a slowing-down of the vaulting statistics of travel, congested populations and centralized activities, and a measure of control over the social- or anti-social-forces that further such conditions and make relief appallingly necessary.

H. M. Olmsted.

SUMMARY OF ANNUAL REPORT OF TRANSIT COMMISSION OF NEW YORK FOR 1923.

This report reveals a considerable degree of progress in the New York city transit situation during 1923—the carrying on of extensive rapid transit construction, affecting several lines; the elimination of the corporate deficits, for the combined transit system, which had been reported in each of the preceding four years; the reorganization of the Brooklyn Rapid Transit system and the lifting of the company's receivership, being among the outstanding events. The annual rides per capita have continued to increase, reaching 439 in 1923 as compared with 43 in 1860. A measure of co-operation between the Transit Commission, a state-created body, and the Board of Estimate, the city's governing body, was obtained during the year, but has not been continuous; the precarious nature of a situation charged with conflict of power and responsibility as between state and city has remained evident.

H. M. OLMSTED.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Comparative Street Occupancy by Buses and Trolley Cars.—A comparison of the amount of street space occupied by different types of buses and trolley cars and their relative passenger seat capacities, made in connection with a recent study of transit conditions in certain European cities, discloses information that should be helpful to American communities in meeting their local transit problems. In general, buses and street cars of the double-deck type were found to be the most economical users of street surface space when compared on a passenger seat basis. The report states that the double-deck trolley used in New York city occupies forty-eight per cent more space than the type generally used in London. Also that the Peter Witt single deck type of car, used largely in Brooklyn, occupies 2.43 times the roadway space and 2.19 times the stream-line space per passenger seat that the London double-deck car does.

As pointed out in a recent issue of *Bus Transportation,* these figures would indicate that New York is not giving consideration to economy of street space used by its street cars, although there is much talk about the necessity of having to provide additional thoroughfares for the increasing highway traffic.

The above comparisons are on a seat basis, because abroad regulations require that only a relatively small number of passengers are permitted to stand, even during rush hours, whereas in New York city cars are designed to carry a considerable number of standees. The policy of carrying tandees to the limit in New York has resulted in the design of a type of vehicle that is most extravagant in the use of street space. This policy ought to be changed and the production of a type of car along the lines of the New York Railway double decker, that will utilize the roadway space more economically, should be compelled.

With regard to buses the latest type London bus seats fifty-four passengers and requires 3.24 square feet of roadway area per passenger seat, and 0.46 lineal feet of stream-line space for each individual seat. The single-deck London bus, which is not yet in general use, has seats for forty passengers and occupies 3.91 square feet of roadway area and 0.56 feet of linear space per passenger seat.

Touring cars and taxicabs constitute the most extravagant users of road space in proportion to the transportation service furnished. On the average the touring cars occupy about 13 square feet of roadway surface and approximately 2.5 linear feet of space per passenger seat. These figures are on the basis of all seats full, which is rarely the case. On a two-passenger basis, which is considered the average, these touring cars would occupy 41 square feet of roadway area per passenger and on the basis of three passengers 27 square feet or from nine to ten times as much area as is required by the most economically designed street car. It is this extravagant use of street surface space that is causing the difficult traffic conditions.

The taxicab is a still less efficient unit. It occupies approximately 16 square feet of roadway area, on the basis of five passengers per cab, and nearly 3 linear feet per passenger. With an average load of two passengers each one requires 40 square feet of area or thirteen times as much space as is necessary by the most economically designed passenger carrying vehicle. The answer seems to be that one of the cures for street traffic ills is a reduction in the number of taxicabs and touring cars allowed on the streets and in their place provide the most economical space-using type of passenger vehicle, namely double-deck buses and street cars. It is particularly important that operation of the so-called roving taxicab which is in evidence on certain of the most congested thoroughfares of the larger American cities should be prohibited.

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Engineering Research Reduces Cost of Concrete Road Construction.—Another demonstration of the economic value of engineering research is made manifest by the results of tests on the use of calcium chloride in curing concrete roads conducted under the direction of H. F. Clemmer, engineer of materials, Illinois division of highways. These tests as outlined by Mr. Clemmer, in a paper presented before the American Road Builders' Association, indicate that the application, dry, of a small amount of calcium chloride to the green concrete pavement, reduces by one-half the normal curing time required without in anyway impairing the strength or soundness of the concrete. This means a substantial reduction in the time during which a road would be closed to traffic and hence economic gain, by affording quicker relief from congestion on other thoroughfares to which traffic is temporarily diverted or the delay incidental to making detours around construction work. That these delays to traffic represent real financial loss is unquestioned. Mr. Clemmer estimates that a saving of two weeks on the curing period of concrete road construction in a construction program covering 1,000 miles of pavement to be built in any one year, would reduce the cost to motorists alone during the construction season by $900,000. An investigation of the cost of 159 detours made necessary by road construction work in Wisconsin made during 1922 under the direction of N. M. Isabella, engineer of the Wisconsin highway commission, disclosed an average increase in mileage due to the detours of 2.15 miles per detour, an average period of use of 81.6 days and an average traffic of 1,320 vehicles per day. Assuming ten cents per mile for the average cost of operating all classes of motor vehicles, the expense of operating motor vehicles over the excess mileage of the detours during the period in which these were in use can be estimated at $3,680,000 or approximately $45,000 per day. Any reduction in this amount means a net saving to the public.

The results of Mr. Clemmer's studies apparently point the way to accomplishing substantial economies in connection with the construction of concrete roads. Greater attention to the matter of requiring the use of up-to-date equipment on road construction, award of contracts early in the season and encouraging all legitimate measures for speeding up the work offer possible ways of similar accomplishment on other types of road work. This matter is of sufficient public interest to demand the careful attention of engineers and road builders and the hearty support of the public.

*

Preventing Disagreeable Tastes in Public Water Supplies.—Preventing disagreeable tastes in public water supplies constitutes an important element in the work of providing water of a suitable quality for domestic consumption. Unpleasant tastes in water are not necessarily harmful. A few years ago the Catskill water supply of New York city, one noted for its superior quality, developed a pronounced taste and slight odor due to the presence of a micro-organism, Synura. A combination treatment of that supply involving the dosage with copper sulphate and an excess of chlorine proved effective but not before there was considerable unnecessary perturbation aroused in the minds of the public over the situation.

It is obviously important that the public should have confidence in the safety of its water supply and hence particular care should be taken to guard against the introduction into the supply of substances likely to cause unpleasant tastes or odors. The presence in water supplies of that group of substances known as "phenols" which are produced in connection with the coal distillation industry are frequently responsible for disagreeable tastes and odors in those supplies. Moreover, the effect of phenols and like substances in producing undesirable qualities of water is accentuated when such supply is treated with chlorine. Persistence of the tastes thus caused in dilution as great as one part of phenol waste in ten million parts of water, or in streams, at a distance of seventy miles from the source of pollution, has been reliably reported.

As apparently no satisfactory method of water purification has been found that will eliminate tastes and odors due to the phenol wastes, it is important that water supplies should be protected against this source of pollution. According to Almon L. Fales of Metcalf and Eddy, consulting engineers, a practical and effective remedy in some cases has been the evaporation of the objectionable wastes from the by-product coke ovens, by using them for quenching the glowing coke, and in the installation of settling and skimming basins for the removal of the greater part of the heavy tars and light oils from the wastes from water gas and gas producer plants, and the recirculation of the basin effluent through the scrubbers and coolers. In one case the small volume of residual wastes was treated with ferrous sulphate, and filtered through coke breeze, after which it was used for boiler water.

The results of the tests at Milwaukee indicated that the activated sludge plant will protect the lake water supply from tastes produced by these liquors if discharged into the sewers.

⁂

Effective Prosecution of Building Code Violations.—The follow-up of violations of building code provisions and, when necessary, the prosecution of offenders constitute two of the most troublesome problems confronting municipal authorities in the matter of regulating private building construction. For that reason any constructive suggestions with respect to handling this are of timely interest. Information of this character is made available in the latest report of the bureau of buildings, borough of Manhattan, New York city, a department which has a record of effective accomplishment in this field of work. In that borough the follow-up system controlling action on violation cases was revised in the early part of 1922. It was heretofore the practice to issue orders for reinspections on pending violations from the follow-up desk, these orders being issued in accordance with the consecutive numbers of the violations irrespective of the location of the premises, the result being that in many instances where there happened to be more than one violation against the same premises, the inspector had to make separate inspections of the same premises in a month.

An order was issued on January 30, 1922, under which the inspector arranges his copies of the violations in his district so that all violations against one premises are kept together in street and block order. At least once a month, he automatically inspects all violations in his district, commencing at a point at one end and continuing block by block until he has covered the entire district. These changes in the method of inspection have increased the efficiency of the inspection force at least 50 per cent.

With respect to the prosecution of violations in Manhattan—because of the congestion of the calendar in the municipal term court caused by the great number of actions brought by the various city departments in that court—it was found advisable to hold preliminary office hearings before the prosecution of a case was commenced.

Following out this procedure, office subpœnas were issued returnable at a stated time, requesting a party or parties to a violation to show cause why a prosecution should not be commenced under Section 719–b of the Greater New York charter. Out of 1,379 subpœnas issued, 935 orders were complied with without recourse to court action. Subpœnas are issued only after the usual procedure of issuing the violation notice, personal service of mandatory orders and follow-up correspondence has not effected compliance.

However, in special cases such as stop orders issued where work is in progress without a permit, many of these cases being filed as a result of the amendment to the workmen's compensation law elsewhere referred to, subpœnas are issued immediately after the filing of the order to stop work is issued and made returnable within 48 hours.

The hearings are reported stenographically, transcribed and made a part of the record. If it develops at the hearing there is cause for a reasonable extension of time to comply with an order, an extension is granted where there are no dangerous or hazardous conditions.

A reinspection is made before the adjourned day, and if it is found that substantial progress has been made toward compliance a further extension is granted. If, however, it is found nothing has been done to remove the violation, a summons is issued and the case immediately forwarded to the corporation counsel, who prepares it for prosecution in the municipal term court, this being the procedure where no appearance is made on the return day.

This new method has been found to be particularly satisfactory not only to the bureau but to those against whom violations are filed, as it affords an opportunity for personal co-operation between the bureau and the public in removing a violation, and in a great many cases obviates the necessity for court action. It has also resulted in an increased dismissal of violations and a decreased number of cases for court action. For example, during 1921 prior to the adoption of this procedure, 276 summonses were issued, whereas during 1922, 106 summonses were issued.

Another, and one of the most efficacious means of removing a violation, has been found to be the stop order which is issued immediately on a report of an inspector that work is being done without a permit. Most of the stop orders are complied with immediately. When cases are ready for prosecution they are referred to the corporation counsel, summonses are issued and the cases placed on the calendar in the municipal term court on a specified day, when representatives of the bureau appear in conjunction with the corporation counsel for the prosecution of the violations. During 1922 a change in the method of bringing cases to court was made effective under an order dated January 10. It was formerly the practice where there was more than one violation pending against a premises to commence individual action in each case, and generally at different times, which meant additional correspondence, serving of summonses, etc.

Under the new procedure, where a prosecution is commenced, all violations against the same premises are included and prosecuted at the one time. The adoption of this procedure has resulted in a considerable saving of work and time on the part of the bureau, and in a more speedy removal of violations.

PUBLIC HEALTH NOTES

EDITED BY C. E. McCOMBS, M.D.

A Seaweed Goitre Preventive. The readers of the REVIEW have doubtless noted in this column occasional references to the various methods of utilizing iodine in one form or another for the prevention and treatment of goitre, particularly among school children. Rochester, N. Y., treats its water supply with iodine and in the opinion of the Rochester health officer, Dr. George W. Goler, this is a satisfactory procedure. Other authorities prefer to administer iodine in table salt or in chocolate coated tablets. In *The Nation's Health* of July 15, J. W. Turrentine, Ph.D., Scientist of the U. S. Department of Agriculture recommends the use of kelp, a seaweed which has a high iodine content, as a routine addition to the dietary of all persons living inland and particularly in regions where goitre is prevalent. Kelp, according to this writer, not only has a high iodine content in readily soluble form, but contains many other useful elements of diet. It is cheap, abundant, conveniently acquired, stored and transported. The author does not suggest in just what form the kelp should be used but states that methods have now been perfected by which the kelp may be so processed that its colloidal parts remain unimpaired and its mineral content unreduced.

✠

Oil Pollution of Waters and the Public Health.—Following an investigation recently made by the U. S. Bureau of Mines in co-operation with the American Petroleum Institute and the American Steamship Owners, Association, the committee summarizes its findings in Public Health Reports for July 11 as follows:

> The health menace of petroleum oil from various sources that reaches the coast and other waters may be classified as follows:
>
> 1. The discouragement of healthful recreation, such as bathing, boating, hunting, fishing.
> 2. Its effect in rendering clams, oysters and other sea food unfit to eat on account of the oil actually absorbed by this food.
> 3. The unsightly appearance which may result from the presence of oily refuse in any locality and the accompanying tendency to lower the hygienic standards of the community.
> 4. The possible prevention or retardation of the normal oxidation of sewage.

5. Skin diseases or irritations which may be the result of contact with oil and oily residues.

6. The odors which may be given off directly by oil and oily matter when deposited on the shores and banks of streams and the obnoxious odors from accumulated fecal matter resulting from retarded oxidation of sewage.

As the committee points out, it is impracticable as yet to state the degree to which these factors are affecting public health, but it considers that over a long period of time the effect must be appreciable. Inquiries of state and local health officers indicates that even in our largest coastal cities no thorough study has been made of this problem and that relatively few health officers are able to present any convincing evidence of health injury due to oil pollution of waters. This is a matter deserving further study, but it is not believed that the prevention of oil pollution of waters will have any measurable effect upon the public health, although undoubtedly it will contribute to public comfort and enjoyment and thus indirectly to public health.

⁂

Eyesight Conservation in Industry.—Frank E. Burch, M.D., of St. Paul, Minn., in a paper presented before the International Association of Industrial Accident Boards and Commissions and recently published in the Bulletin of the U. S. Bureau of Labor Statistics No. 359, states that of the estimated 110,000 blind persons in the United States approximately 13.5 per cent are blind as the result of industrial accidents. As an illustration of the great economic loss thus sustained, Dr. Burch cites a report of the Bureau of Workmen's Compensation of Pennsylvania for 1920 in which it appears that to 18 persons who lost the sight of one eye, and 652 who lost the sight of both, $890,405 was paid in compensation alone. This of course represents only a small percentage of the total loss both to the state and the individuals.

The principal means of conserving eyesight in industry are, according to the author: (1) Education; (2) illumination; (3) vision testing and correction of visual defects by glasses; (4) prompt and efficient medical service; (5) protection of eyes themselves. As practical measures to be undertaken by the Association of Industrial Accident Board and Commissions, the following are recommended: (1) Better and more thoroughly standardized statistics for the use of national agencies for eyesight conservation; (2) the securing of uniform state laws relative to eye safety of workers; (3) the promotion of uniform standards for the estimation of visual disability by state compensation bureaus and uniformity of compensation provisions; (4) the encouragement of more thorough visual tests before employment; (5) the securing in every state of legislation to provide additional penalties for failure by employers to protect their workmen against eye injuries.

⁂

Mental Hygiene Survey of New York State Jails.—The National Committee for Mental Hygiene presents in the June number of the *Mental Hygiene Bulletin* a preliminary report of a recent survey of New York jails. Of 1,288 prisoners confined in 34 county jails and penitentiaries, 69 per cent were under 40 years of age and 38 per cent under 30 years of age. Seventy-four per cent were mentally handicapped, including feeble-minded, insane, epileptics and psychopathic personalities. Fifty-nine per cent were found to be in need of treatment for physical disabilities.

This report reinforces the judgment already formed by the majority of those having to do with our penological systems that the problem of crime prevention is mainly one of preventing mental and physical defects. The old measures of punishment as a preventive and corrective of crime will certainly be replaced in the not distant future by measures for the prevention of those diseases responsible for the well-established fact of the increase of crime in this country. In the records of such agencies as the Children's Court Clinic conducted by Dr. Max G. Schlapp at the Post Graduate Hospital in New York city, there is ample evidence to demonstrate that crime can be prevented by the application by skilled physicians of tested methods of treatment of juvenile delinquents, and confirmed criminals can be restored to such mental and physical balance that they can actually be "cured" of crime.

NOTES AND EVENTS

Assistant Manager Urged for Alameda.—The Alameda Improvement Club has proposed that the city council employ an assistant manager whose chief duty will be the supervision of the city's industrial development, particularly with a view to inducing new industries to locate there.

*

Report that Cleveland Exceeds Income Erroneous.—Some publicity has been given to a recently published report that the new manager government of Cleveland has not been living within its income. The specific charge was that the surplus of $1,600,000 left by the Kohler administration had dwindled to $300,000. In a report to the finance committe of the council, Manager Hopkins showed that $200,000 less than half of the annual appropriation had been spent during the first semester of the fiscal year. The reduction of the surplus, he stated, was due mainly to expenditures for street widenings and extensions which were formerly financed by borrowings.

*

Cleveland Council Gets Vacation.—The new Cleveland charter provides that there shall be a meeting of the council at least once a week, and fines any member who may be absent, except for illness, 2 per cent of his salary for each meeting which he fails to attend. However, ingenious minds on the council have worked out a scheme which will allow them a vacation. When the council met on Monday, July 14, it adjourned to Friday, July 25. By repeating this arrangement later in the summer the members feel that the needed rest will be assured them without loss of pay.

Another device has been developed to save the 2 per cent fine when an individual member is absent. When the council meets, say on Monday night, it does not adjourn after business has been completed; it "recesses" until the next meeting and any member is given an opportunity to answer "here" to the roll call before the meeting of the previous week is "adjourned."

*

Germany Makes Drastic Cut in Civil Service.—According to a memorandum of the minister of finance concerning the reduction of the personnel in the national public service in Germany the number of officials and laborers decreased about 25 per cent between the first of October, 1923, and the first of April, 1924. It appears that 134,000 of a total of 60,000 assistants and 230,000 of a total of 700,000 laborers are no longer in the service. The savings chargeable to the item of salaries and wages amount easily to 435,000,000 gold marks, which is approximately 15 per cent of the total expenditures of the empire.—*Preussisches Verwaltungs-Blatt.* Berlin.

*

Pennsylvania to Vote Again on Constitutional Convention.—Pennsylvania has not had a thorough revision of her consitution since 1870, although since 1900 it has been increasingly out of date. In the last 20 years it has had 28 amendments. The mere cost of publishing them has amounted to $1,500,000. A commission appointed a few years ago made 132 recommendations of needed changes. In spite of this report a referendum on the holding of the constitutional revision convention held in 1922 resulted in a negative vote, due to a number of political reasons. In the next November election the matter will again be submitted to a referendum vote. Most of the political questions have been removed in the meantime, and it is hoped that the result will be in the affirmative.

Ernest N. Votaw.

*

University of North Carolina to Study County Government.—The department of Rural Social Science of the University of North Carolina is undertaking a field study of county government and county affairs within the state to cover a period of three years. Three research students are being added to the staff and will be provided with traveling expenses in order that they may do first hand, out-door investigating. The purpose is to dig out the facts which directly concern the people of the state and to interpret them by graphic and intelligible means. Upon the basis of the information thus assembled, a form of county government will be worked out which will place the county under a definite, responsive headship. The effort will be to accomplish this with as few changes as possible over the present system of county commissioners.

North Carolina has already attracted nationwide attention by her investigations into county affairs and the practical program developed thereby, and we shall look forward with keen interest to this intensive exploration into what is still an unknown land.

◆

The Morton Denison Hull Prize.—The Hull Prize will hereafter be offered biennally. As heretofore it will be open only to post graduate students in American universities having distinct graduate courses in municipal government. The amount of the award will hereafter be $500 and will be first offered in 1926. Essays should represent original research of sound quality. They should not exceed 20,000 words in length and must be submitted before September 15, 1926.

The preparation of essays for submission can well be tied up with the work in connection with the student's master's or doctor's thesis. It has been felt that in past years the short period of a year was not sufficient to enable the contestant to produce the results which the donor of the prize has in mind. The prize is made available through the generosity of the Hon. Morton D. Hull of Chicago, who has always been keenly interested in the promotion of original thought and research upon problems of government.

◆

Status of Rhode Island Constitutional Convention.—The troubles and vicissitudes of the Rhode Island legislature are recounted elsewhere in this magazine. The difficulties grow out of the antiquated apportionment for elections to the legislature which, among other things, has blocked revision of the constitution, adopted in 1842. The Democrats, who suffer by the present apportionment, are striving for constitutional revision. They want to abolish the property qualification to vote applying to the citizens of Providence and to reapportion the state on the basis of the present distribution of population. They, therefore, want the general assembly to call a constitutional convention, but the constitution makes no provision for a convention, and their opponents argue that the only possible method of revision is through amendment. But a constitutional amendment requires for adoption a three-fifths majority. An amendment to call a convention would thus stand small chance of success, but the legality of a convention called by the legislature is denied by the Republicans.

Another antiquated feature of the present constitution is the power of the state senate to reject the governor's appointments and substitute men of its own choosing.

◆

Relation of Council and Manager in Long Beach.—The charter of Long Beach, California, requires that most of the administrative heads, supposed to work under the manager, be appointed by him, subject however to ratification by the council. This is an usual provision, contrary to the spirit of clear-cut responsibility which is the essence of the manager plan, and Councilman John T. Arnold is urging charter revision which will give the manager more authority. He complains that at present the manager must refer every little detail to the council, which as a consequence is making countless decisions on administrative detail that should be left to the manager.

The manager's position is illustrated in a recent statement which he gave to the press, denying that there was to be a shake-up in the municipal departments. "I will not have a thing to do with resignations or appointments," he is reported to have said. "It is my duty only to recommend. I am the executive, while the council is the legislative authority of the city," he added. Councilman Arnold praises Manager Windham highly, but we are inclined to aggree with him that under the Long Beach charter, the manager is something less than an executive.

◆

Cincinnati to Vote on Progressive Charter.—Many citizens of Cincinnati feel that they have suffered financial and administrative hardships long enough and have undertaken a fight for a charter amendment providing for a city manager and a council elected by proportional representation. Sufficient signatures have been secured to petitions to place the amendment on the ballot at the November election. The movement is being led by the Birdless Ballot League with Henry Bentley in charge. The League takes its name from its purpose to bring Cincinnati into line with other Ohio cities by eliminating party names and emblems from the municipal ballot, so that citizens will vote for *men* and not for *birds*.

The proposed amendment relates to but one section of the charter. It substitutes a city manager for the mayor; and for the present council of thirty-two is substituted a council of nine elected at large by proportional representation. The ballots for municipal elections will carry no party mark.

W. J. Millard will assist in the campaign. The city council is unwittingly helping by several unpopular actions. For one thing it has decided to revise the gas franchise to permit an increased rate to the small consumers.

✣

Invention to Prevent Automobile Collisions.—The *New York Times* recently carried the story of a French invention which provides automatic danger signals at road crossings. Experiments at two crossings which were the scene of many accidents have, it is reported, demonstrated the value of the device.

The apparatus is electric. A metal plate laid in the roadway with an electric contact operates a large danger signal whenever an automobile or other vehicle passes over it. The plate is on the road level, and the weight of the automobile releases a signal which in one case is attached to a house at the corner of the road and in another is hung across the roadway. At night these signals are illuminated.

The advantage of this apparatus is that the signal catches the eye of the automobilist by its sudden appearance in front whenever a car passes over the contact plate. A red disk and the word "Danger" flash suddenly in front of him at a sufficient distance to give him time to slacken speed, and at the same instant a similar sign appears on the transverse road, warning any one approaching from that direction to stop. At night the sign remains illuminated for several seconds after the contact is made with the road plate.

✣

Knoxville Refunds Ten Per Cent of Taxes.—News which will startle many harrassed tax payers comes from Knoxville, Tennessee. It is that the city council, elected under the new manager charter which went into effect less than a year ago, has refunded 10 per cent of the year's taxes to the tax payers. The reason is simple.

When Louis Brownlow took charge as manager last December he found a financial situation literally chaotic. The old government had expended $1,000,000 in excess of revenue during the past year, and left to their successors deficits in various funds amounting to $4,000,000. Without adequate information and without time to gather it, the new council had adopted, at the beginning of the fiscal year in October, a budget $500,000 less than the expenditures of the previous year. Following Mr. Brownlow's arrival, a new accounting system was introduced, improvements in collections became manifest, assessments began to increase although there was no general re-assessment, and efficiency and economy were introduced.

By the middle of June it became apparent that there would be a surplus in the treasury at the end of the year. By the end of July the surplus had reached $300,000 with the probability of being increased by $110,000 before the end of the year. The council therefore decided to return $280,000 to the people, which brings the tax rate from $2.44 to $2.196.

It should be emphasized that the budget as adopted provided for $500,000 less than was spent the year before and that the $280,000 is additional profit accruing to the tax payers by virtue of their new government. Disgruntled politicians who are working to have the charter repealed at the next session of the legislature will be welcome to all the aid and comfort they can draw from this fact.

Mr. Brownlow has introduced a system of daily financial reports showing how the city stands at the close of each day's business. A copy of one, under the caption "How Your City Keeps Its Books" was recently published as a two page, center spread advertisement in the Knoxville papers.

✣

City Manager Notes

Annual Convention of Managers' Association.—The eleventh annual convention of the City Manager's Association will be held in Montreal, September 23–25. This will be the first visit of the Association to Canada. Besides the attractions of the program, the hosts have provided sight seeing trips to places of interest in and around the city. A feature of the meeting will be the time devoted to round tables. There will be round table discussion on the following subjects: Billboard regulation, unified transportation by street cars and buses, the juvenile female delinquent, selling good government to the citizens, the merit system, municipal cost accounting, tourist camps, the city manager's part in councilmanic elections contrasted with his part in improvement elections, training for the profession, garbage collection and disposal, and other subjects of every day importance to the managers.

Reports from Manager Cities.—The executive secretary of the City Managers' Association, John G. Stutz, has recently returned from a visit to a number of managers, and we are endebted to him for the following report.

Knoxville, Tennessee. The council has recently voted to buy an eight-acre tract of land in the heart of the city for a municipal and civic center. The present administration has the support of all the newspapers. The leading newspaper has announced its opposition to any move to legislate the new charter out of business.

Lynchburg, Virginia. This is the fourth city for Mr. Beck, present manager of Lynchburg. The city successfully operates an asphalt plant, and a prison farm which is self-sustaining through the sale of farm products and the services of the prisoners in various departments of the city. A beautiful park is being developed and a stadium designed for the use of the public.

Norfolk, Virginia. Norfolk has a great port problem on its hands. She has constructed municipal docks and grain elevators, many streets have been widened and park facilities provided in response to popular demand. Although the improvements have been expensive, the city is on a sound financial basis.

Newport News, Virginia. This city is gaining a wide reputation for its malaria control. Sawdust is soaked in waste crank-case oil which is gathered from the public garages and is thrown broadcast over the water in which the mosquitos breed. The sawdust sinks to the bottom, but within four or five days the oil is released and rises to the surface. The effectiveness of this process is more than 100 per cent greater than that of spraying oil on the surface.

Westmount, Quebec. Westmount, which is completely surrounded by the city of Montreal, is often called the model city. It was the first city in Canada to adopt manager government, which was developed without knowledge of a similar movement in the United States. It has many public improvements and municipal enterprises which are without exception well handled.

Lima, Ohio. Lima, like other Ohio cities, has an acute financial problem, but a revaluation of property is under way which is expected to double the assessed valuation and thus bring relief under the tax limit laws.

⁂

Measuring Government Efficiency.—Those who believe that government effectiveness can be measured by accurate units which can be compared realize the gigantic nature of the task. It is difficult to establish the units, but the difficulty is immeasurably increased by the lack of statistics and accounting systems which are comparable.

Everyone will therefore be interested in a report prepared by William L. Bracy of the Bureau of Business and Governmental Research of the University of Colorado, upon the efficiency of various municipal services in the cities of Colorado of over two thousand population. The scope and method of the survey are best described by the following quotation from it:

> The following services rendered were finally adopted for measurement: police protection; fire protection; health protection, as reflected by infant mortality; street improvement; library service; water supply; and park facilities. It is recognized that there are many other indices which could have been used, some of which would perhaps have been more accurate. Yet when all points were fully considered, the measurement of these activities seemed to be the most logical.
>
> In accordance with the foregoing conclusion, the following methods of measuring the services rendered, listed in the preceding paragraph, were employed: police protection was measured by the number of persons per policeman; fire protection by the fire loss per capita; health protection by infant mortality rates; street improvement by the per cent. of pavement to total street mileage; library service by the circulation per volume; water supply by the average per capita daily water consumption; and park facilities by the number of persons per acre of park land.
>
> Cities having the lowest number of persons per policeman, the smallest per capita fire loss, the lowest infant mortality rate, the smallest average per capita daily water consumption, and the least number of inhabitants per acre of park land, were ranked first. Cities having the greatest library circulation per volume and the highest per cent of pavement to total street mileage, were also ranked first in services-rendered.
>
> The cost of services rendered was measured by the following standards: per capita operation receipts; per capita operation expenditures; per cent of water works operating expense to operating revenue; per capita general city debt; per capita street lighting costs; cost of elections per vote cast; and minimum flat-rate water charges.
>
> Cities having the lowest per capita operation expenditures, the lowest per cent of water works operating expense to operating revenue; the smallest per capita general city debt, the lowest per capita street lighting cost, the lowest cost of elections per vote cast, and the lowest minimum flat-rate water charge were ranked first. The city having the highest per capita operation receipts was also ranked first in the cost-of-services rendered.
>
> The final ranking of the cities was arrived at by

adding the number of points scored in the service-rendered rankings to the number of points scored in the cost-of-service rankings. The city scoring the lowest number of points, in total, was ranked first, and the others followed in order, accordingly. No attempt was made to weigh the different services in accordance with their comparative degrees of importance. In the final ranking all services and all costs of services were given equal weight.

In order to verify the conclusions reached on the basis of the fourteen standards of measurements originally selected and shown in graphic form in the charts, it was decided to rank each municipal activity according to the amount of service and cost of service. In other words, offsetting against each service selected as a standard, the cost of that particular service to the citizens.

This involved ranking each city on the basis of the following services and costs:

1. Police protection	Persons per policeman	Cost per capita
2. Fire protection	Per capita fire loss	Cost per capita
3. Health protection	Infant mortality rate	Cost per capita
4. Street improvement	Per cent of pavement to total street mileage	Cost per capita
5. Library service	Circulation per volume	Cost per capita
6. Water supply	Av. per cap. daily con.	Min. flat rate water charge
7. Park facilities	Persons per acre of parks	Per capita cost
8. Elections	Per cent of pop. voting	Cost per vote

The report then proceeds to announce the rankings of 29 cities. Copies are sold for 25 cents each. Address Dr. Don C. Sowers, University of Colorado, Boulder, Colo.

This venture into "measurement and publicity" is a courageous effort for which we should all be grateful. Almost everyone will find something in it to criticise but it is none the less useful.

English students are beginning work on the same problem but they, as we, have advanced little beyond the "comparative tax rate" stage. We all admit the need for a science of measurement. All we have to do, is to develop it. Several members of the National Municipal League are working on the problem. It was on the program of the last meeting of the Governmental Research Association, and is to be the subject of a round table again at the National Conference on the Science of Politics at Chicago. We hope soon to publish some findings.

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NATIONAL MUNICIPAL LEAGUE 261 BROADWAY
NEW YORK, N. Y.

NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 10 OCTOBER, 1924 TOTAL No. 100

MORE ABOUT THE ANNUAL MEETING

Our Hosts. We go to Cambridge as the guests of Harvard University. President Lowell is a vice president of the League and a member of our committee on the Model Charter. He will be the toastmaster at the annual dinner. Prof. W. B. Munro is chairman of the Committee on Arrangements and Dr. A. C. Hanford is secretary.

◆

Coöperating Associations. The Governmental Research Association and the National Association of Civic Secretaries are meeting at the same time and place. The League will hold no day sessions on Monday, but members are more than welcome to attend the meetings of the Research Association (outlined in program on opposite page). The Research Association will join with the League for the meetings on Tuesday and Wednesday; and the Civic Secretaries will be with us on Wednesday.

◆

The Place. The meetings on Monday and Tuesday will be held at the Harvard Union. The dinners on Monday and Tuesday evenings will be at the Colonial Club, which is near the Union. The meetings on Wednesday will be in the new Chamber of Commerce Building in Boston.

◆

Hotels. There is no suitable hotel in Cambridge. Many are planning to stop at the Hotel Lenox in Boston where prices of rooms are as follows: Single without bath $3.00, with bath $5.00; double without bath $5.00 to $6.00, with bath $6.00 to $8.00.

The Headquarters and registration booth will be at the Harvard Union where ample rest room and lounging facilities will be available to everyone.

◆

The Program has been arranged to allow full discussion by the audience. The subjects relate to vital questions which are still in dispute. The program has plenty of "body".

◆

Sightseeing. The days of meeting have been so arranged as to permit anyone who wishes to visit the many historical places near Boston to do so during the latter part of the week and return home with a minimum loss of working days. It is thought that those from a distance will appreciate the change to the first three days of the week.

◆

General Invitation. With the exception of the dinner on Monday evening (the annual business meeting), all sessions are open to all who wish to attend, whether members or not of the League or of the coöperating organizations. A particular invitation is extended to municipal or state officials, members of the League of Women Voters, teachers of government or any who have a special interest in questions of government.

◆

Further Particulars. The complete program is now being sent direct to members. The secretary of the National Municipal League (261 Broadway, New York City) will be glad to secure hotel reservations for you, if you will tell him the type of accommodations you want.

THE QUALIFICATIONS OF A CITY MANAGER

A JOB ANALYSIS

BY HARRY W. HEPNER
Assistant Professor of Psychology, Syracuse University

What a vocational psychologist considers the essential qualifications of a good manager. :: :: :: :: :: :: :: ::

IN the past generation the customary haven of the ambitious misfit was the ministry. If a man could not make a success of any other field he would often assume that the Lord called him into the ministry, where the errors of his labors could not be discovered until the next world. Just how many souls have been saved or lost by this unfortunate vocational guidance policy will always remain a question.

It so happens that my main field of research and teaching at Syracuse University is that of vocational psychology. In this work many young and middle-aged men come to me for assistance in choosing a vocation. Most of them are college graduates who have not yet oriented themselves in the working world. They are of all kinds and types but usually ambitious and anxious to get into a vocation having social prestige and good income but where there will be little training needed for the work. They seek a field in which they imagine that a reading of *Elliot's Five Foot Shelf* and *The Atlantic Monthly* plus some pronounced opinions of their own on how to reform the world will constitute sufficient training to go ahead and reform said world. Naturally, the position of city manager appeals to these men, for here they believe that they can capitalize their arm-chair reading and give expression to their suppressed desires for leadership and reform.

MAJORITY UNFITTED TO BE MANAGER

The great majority of this type of men who have come to me and discussed the field of municipal management are totally unfitted for the work because they find it difficult to adjust themselves to others, they are unable to stand criticism, are very sensitive to personal hurts, do not try to be tolerant of others (their ideas are the best), do not like responsibility but enjoy the glory, are condescending to those of a different social stratum, and cannot win the confidence of associates by means of a positive, aggressive, fair-minded personality.

After contact with several individuals of this type I decided to make a job analysis of the work of the municipal manager in order to find out what qualifications a man should have for the work.

THE JOB QUALIFICATIONS

The investigation resulted in the following list of qualities which are considered essential for the vocation:

1. *High General Intelligence for Abstract Subjects.* General intelligence expresses itself in several ways: in dealing with mechanical problems such as those of the machinist, in handling

people as typified in the salesman and politician, in handling business problems as typified in the financier, and in dealing with abstract matters as expressed in the scientist and student.

The successful municipal manager should be of high mentality; studious but not a bookworm. He must also have some of the social form of intelligence so that he can handle people but he should not be of the social type only, for that is what our officials have in the past. Politicians can get votes and handle people but they may have no brains for the real problems of government after the election is over. That is why the municipal manager must have respect for accuracy and the justified results of scientific study. The trained city manager makes his main appeal not through his handshaking ability, but through his ability to handle executive and administrative problems.

Fortunately, psychologists have produced tests which are of material aid in measuring a person's kind and degree of intelligence.

2. *Pleasing Personality.* The man who desires our respect must have a personality which commands respect. We do not like to discuss weighty matters with an effeminate thin-voiced sister. For big problems we want to deal with big men who give the impression of bigness in action and viewpoint.

3. *Leadership.* A man may have a pleasing personality but he may not be a leader of men. The leader knows how to win the co-operation of others, be their hero, and direct them into better pathways. No man should plan to go into municipal management unless he has had a record of leadership in college, fraternity, school, or church work. He should be the type of man to whom others turn when in difficulties.

4. *Liking for All Kinds of Persons.* Some men can readily act as leaders of their own social or economic group. The important fact is, can they meet Mr. Moneybags, head of the leading industry of the town and then in the same engaging voice and manner talk to John Italy who works in the ditch? Many of the men who have failed to succeed in their own eyes and who have come to me for counsel are bitter toward humanity in general. They have a warm heart only for certain kinds of persons. Naturally, men with this feeling toward others should not go into work where they need all the faith in humanity that one can have.

5. *Intellectual Sympathy.* Some persons have a ready flow of tears for all the misfortunes of others. They are like the woman who enjoys the movies because she can feel so sorry for the heroine when the villain chokes her. The emotionally sympathetic individual is unfitted for the problems of others, but an intellectual sympathy is needed in handling the problems of the municipality. A sincere and intelligent desire to correct modern economic, social, and political evils in a constructive manner is highly desirable in work where these problems have existed for many years. Just because we have had the poor and shady politics always with us does not mean that we must always have them with us in the future. Many of our citizens have no time or interest for their municipal problems as they are too busy with personal and business matters, but the man going into municipal work must have an intelligent and sincere interest in the problems of better administration of municipal affairs.

6. *Liking for Responsibility.* "Passing the buck" has always been the favorite indoor sport of the stand-by

politicians, but that game is not permissible on the part of the municipal manager. He is held responsible for results and failures are credited to him just as well as successes. The chronic excuser will not last long as a city manager.

7. *Ability to Stand Criticism.* A municipal manager might have the wisdom of Solomon, the sweetness of an angel, the ability of Napoleon, and the honesty of Lincoln, but his acts would often be questioned and criticised nevertheless. Normal human beings who are bound to make errors at times or what appear to be errors, must be willing to accept the backwash of former administrations and the hasty criticisms of the unlearned reader of the prejudiced yellow journal.

8. *Ability to Persuade Others.* In order that the city manager may aggressively defend his administration and win the support of others he must have the ability to persuade others. This means that he should have good conversational powers, ability to write convincingly and interestingly, have a good memory for faces and facts, and the poise of the man who feels at home no matter where he may be.

9. *High Ethical Standard.* It is almost needless to say that the municipal manager must have an ethical standard which cannot be shaded for the sake of personal advantage or gain. His personal life must be so exemplary that no one can dare to question it. His manner and conduct must be so far above bribery that no one would think of offering him a bribe.

10. *Technical Training.* Personal qualifications are essential for the work but technical training is also. No one can play the masterpieces until he first learns the fundamentals. Certainly he should have a college education or its equivalent, some statistical training, and other technical training of at least a year.

It seems to me, however, that the personal qualities named above are more important than the technical training. The psychologists have found in their investigations of the value of various forms of training for the professions that the kind of course pursued in college has very little bearing upon success in the professional college. For example, men who have majored in philosophy and mathematics were just as good students in the medical college as those who majored in chemistry and biology. This seems strange, but it is a fact. The same thing is true in municipal management—technical training is important and must be acquired, but the man, after all, is the big factor in a successful administration.

The reader may raise the question whether any human beings exist who can meet the standards set forth here. The standards suggested are not too high, but they are rarely met. In three years of vocational guidance of business men and students in college I have met but two whom I wholeheartedly advised to enter the field. Both of these are planning to do so. It is interesting to know that their records justified the standards which have been presented in this article.

NEW YORK'S TRANSIT CONTROL IS REORGANIZED

THE NEW BOARD OF TRANSPORTATION TAKES CHARGE OF NEW CONSTRUCTION

BY JOHN BAUER
Consultant in Public Utilities

The question of local or state control over New York transportation system has been compromised. :: :: :: :: :: ::

At its last session, the legislature of New York again reorganized the public bodies having to do with transit in New York city.

RECENT EXPERIMENTS WITH VARIOUS BOARDS

The new law provides for a board of transportation similar to the old board of rapid transit commissioners, which was replaced in 1907 by the public service commission, first district. The latter was a single commission for the city of New York, with jurisdiction over transit, light and power companies, as well as the administration of the special rapid transit act. Then followed a succession of changes and reorganizations which may be briefly described. In 1919 a separate transit construction commission was established to take charge of construction and operation of the city's rapid transit contracts, while otherwise the public service commission of the first district (New York city) was continued (except that it was changed from a commission of five members to one commissioner with three deputies). In 1921 both commissions were abolished, and the present transit commission was created with jurisdiction over all phases of transit in New York city and with the special duty of formulating a plan of readjustment and consolidation along prescribed lines of all transit properties in the city. The members of this commission were appointed by the governor, and many felt that the city's home rule right over its transportation facilities had been violated. At the same time the present public service commission for the state at large was given jurisdiction over all utilities in the state, except transit in New York city. Now the transit commission continues with only the general regulatory powers over transportation and the administration of the rapid transit contracts, while the new board of transportation takes charge of laying out and constructing new rapid transit lines and administering the Rapid Transit Act. And the public service commission continues unchanged with jurisdiction over all utilities of the state except transit in the city.

There has been for the last few years a growing need for new rapid transit facilities, but there has been practically a deadlock as to how these facilities should be provided and by what system operated.

The transit commission, which had the primary responsibility of laying out routes, had favored the construction of new lines to be operated by the present rapid transit companies, and to be incorporated under the existing rapid transit contracts with the city, or as amendments to such contracts. The city authorities, on the other hand, have been averse to entering into any further agreements with the existing companies and have favored an independent rapid transit system under complete municipal control and operation. Their view is that the companies are greatly overcapitalized, or are bearing excessive rentals and other fixed charges, or have mismanaged their finances and drained their resources to such an extent that their credit has been badly or hopelessly impaired and that any further engagements with them for additional facilities would be unwise. The new lines would have to be financed by the city, but their successful and satisfactory operation would be impeded if they were joined with the weakened companies operating the present lines.

The legislation just passed is an attempt to break this deadlock. The new board consists of three members appointed by the mayor. Its function is to take over from the transit commission the selection of new rapid transit routes, the construction of the lines and their operation under certain conditions, in case the city decides to operate them itself. It also has under its jurisdiction the construction of all uncompleted lines under the existing rapid transit contracts.

PERSONNEL OF NEW BOARD

The board began functioning as of July 1, 1924. It consists of John H. Delaney, chairman, William A. DeFord and Daniel L. Ryan. All three bring an unusual amount of specially qualifying experience to the position. Chairman Delaney was transit construction commissioner during 1919-1921, and Commissioner Ryan was deputy commissioner. Commissioner DeFord was special counsel for the city in connection with the proposed general plan of readjustment with which the transit commission has been concerned under the 1921 transit amendment. All three thoroughly understand the difficult financial, franchise and political complications,—also that they must produce results. And they have started at their job with alertness and eagerness to formulate a practical program for the speedy relief of the present intolerable conditions.

It is expected that the new lines will be operated as a municipal system under the direct control of the city. Special provisions are made for this purpose in the law permitting a five-cent fare and the inclusion of operating deficits, if there be any, in taxes for a period of three years. After this trial period, however, the municipal system will have to be made self-sustaining. The fares must be fixed high enough to pay not only operating expenses, but also interest and amortization of the bonds.

RECAPTURE OF SUBWAYS ALREADY BUILT

Besides the construction and operation of new lines, it is generally expected that the city will exercise its right of recapture of the subways constructed under rapid transit contracts Nos. 3 and 4.[1] These would be welded into a unified system with the new lines, while the companies would retain only the older elevated lines and the original subway constructed under the earlier contracts Nos. 1 and 2. The effective merging of the older and new lines will require considerable reconstruction and other adjustments, but it will place the bulk of rapid transit under the direct control of the city.

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[1] To the unitiated the following rough description of the routes covered by the various contracts may be helpful. It is approximately correct to say that subway contracts Nos. 1 and 2 cover the line from Atlantic avenue, Brooklyn, up the east side to Grand Central terminal, across to Times Square and out Broadway. Contracts Nos. 3 and 4 cover the newer construction above Grand Central terminal on the east side and below Times Square on the west side.—Ed.

The institution of the board is undoubtedly a step in the right direction. At least for the construction and operation of new lines the drawn-out deadlock between state and city authorities has given way. The course is now open for the provision of adequate facilities for the future and their operation for the public interest as determined by the municipal authorities without interference by any conflicting state administration. The conflict between state and local authorities has been particularly keen because the city had hundreds of millions of dollars invested in transportation and inevitably felt the reponsibility for adequate transportation at reasonable rates.

The present situation, however, still remains unsatisfactory in that the transit commission is continued and retains its general regulatory powers over transportation in the city of New York, as well as the right to administer the operation of the city's rapid transit contracts Nos. 3 and 4. We have here the curious position of the local board to complete the construction of lines under contracts Nos. 3 and 4 and provide and operate new lines, while the authority to administer the financial provisions of the same rapid transit contracts and the general regulation remains in the state body.

HOME RULE STILL INVOLVED

While the line of separation between the two bodies is clear and no direct conflict in jurisdiction is likely to appear, it is unreasonable and is mere political makeshift to have in the city two commissions with powers and duties over transit matters. To be sure, regulation is fundamentally a state prerogative, but in a municipality with centralized responsibility, as in New York, the sensible and ultimately the inevitable course is to confer full authority upon the local officials to whom the people actually look for protection and promotion of their interests. In reality, whatever the abstract right of state regulation, transit in New York city is a local problem and the people do look to the city for its solution. Consequently, the reasonable next step is to consolidate the two transit bodies and place the full responsibility and authority upon the single board as to all phases of transit in the city.

The commission created by the original public service commissions law in 1907, and all the bodies succeeding it, were appointed by the governor of the state, without regard to the approval of the mayor or other city authority. Naturally, with basic consideration only for the abstract state right of regulation, without provision for local purposes and political realities, cross purposes developed between the local and state authorities. The conflict became sharper as the time drew nearer when new transit lines had to be provided. The commissions practically ceased to function.

This year's legislation is, therefore, a big step in the right direction. At the present time there is a single public service commission of the state of New York with jurisdiction over all utilities except transit in New York; a state body whose members are appointed by the governor. Then there is the transit commission, also a state body, its members appointed by the governor, with general regulatory power over transit in New York city, as well as the administration of the existing rapid transit contracts. Then there is the new board of transportation, whose members are appointed by the mayor of New York city, with general administration over the rapid transit act, and with the special duty as to the laying out and construction of new rapid transit lines and their operation for the city of New York. We may hope that common sense will prevail and that in time all these commissions as relate to New York will be combined into one, with jurisdiction over all the utilities operating in the city, the members appointed by the mayor with full responsibility to the city administration. Under such centralized organization, the cross purposes which the city has witnessed during the past ten years would be eliminated and effective consideration could be given to questions of service and rates.

POLITICS AND POVERTY IN CINCINNATI

BY LENT D. UPSON

Director Detroit Bureau of Govenmental Research

What the municipal survey disclosed in Cincinnati. How "Party Responsibility" works in a city almost destitute. Why she is destitute. :: :: :: :: :: :: :: :: :: ::

This is not a discussion of the recent Cincinnati Survey, but of the peculiar financial and political conditions that led to it, and some consequences to be expected.

In the fall election of 1923, extra tax levies were defeated as usual. They might have been defeated anyway, but the result was due in part to the criticism of an able and fearless attorney, Mr. Murray Seasongood, who vigorously assaulted the methods of the party in power. Mr. Seasongood rallied about him all of the liberal elements, badly in need of leadership since the Hunt defeat of ten years before. On this occasion he had the complete or half-hearted support of most of the press, a decided reversal of conditions over a ten-year period.

30 PER CENT REDUCTION IN REVENUES IMMINENT

The defeat of the extra tax levies and the rising tide of criticism prompted the Republican organization to realize the critical situation into which the city had fallen. Certain relief legislation enacted by state law expires this year and the administration was confronted with a further reduction of about 30 per cent in operating revenues. If such reduction be made the city would almost cease to function. Something had to be done.

Now while this thought would not be concurred in by some Cincinnati citizens, I am convinced that the Republican administration really desires to give good government. Its methods may be such as to keep independent and intelligent leadership out of politics and thus rob the government of the genius to which it is entitled, and in its administration it may have done many stupid things. There are certain benefits to be had from controlling a great municipality,—patronage to be distributed, favors to be secured, and power in national politics to be retained. But aside from these perquisites, able administrators had been placed in office and a sincere effort was being made to give the public the best that could be obtained with the funds available.

At any rate, let us assume for the moment that this be true. The Republican administration accepted the challenge of the minority in substantially the following words: "If there is something wrong with our administration of the city of Cincinnati, we want to know what it is; we will appoint a group of the city's best citizens to examine our affairs to this end; because we are Republicans and believe in party responsibility we will appoint this group from within the party; and if we have made errors we will correct them by our own efforts."

SURVEY COMMITTEE APPOINTED

So a Citizens' Survey Committee was appointed by a sub-committee of the Republican Executive and Advisory Committee. This Survey Committee consisted of a number of outstanding citizens, George H. Warrington, a trustee of the University, being chairman. Among the membership of the committee was Mr. Seasongood, and two or three members of the Executive and Advisory Committee. The critics immediately cried "whitewash," but the committee proceeded with anything but a whitewash in mind. The chairman and the committee gave the surveyors a carte blanche to investigate any phase of the city government desired. The Republican Executive and Advisory Committee in appointing the committee had asked that the survey cover four fields: the possible co-ordination of city and county activities; the unified policy of public construction; the future financing of the city, and the conduct and administration of city and county departments. The sincerity of the Republican administration is evidenced by the fact that the most whole-hearted co-operation was received from every city and county department, and not a single request was made to a public officer which was not cheerfully complied with. The only instructions from the chairman of the committee were in these words: "We hold no brief for anyone. Find the exact truth and tell it, always being sure that your conclusions are evidenced by the facts."

In conducting the survey some eighteen men were engaged and were chosen for their experience in public affairs. Each surveyor was directed to set down the criteria by which he expected to judge the department's operation. In doing this, due acknowledgement is made to Dr. Charles A. Beard, who, in his study of the city of Tokyo, apprised the department head and the public, for the first time so far as I know, of the standards to which he expected governmental offices to conform. The process of the survey required approximately six months and resulted in fifty-two separate reports covering every activity of the city and county and the business activities of the board of education. In each instance a printed or typewritten copy of the survey was handed to the department involved for correction of fact and comment on opinion. Final responsibility and conclusions rested with the surveyors alone.

Cincinnati really offers an unusual but neglected opportunity for students of applied political science to appraise the results of arbitrary state tax limitations, and the effects of party government carried to logical absurdity.

POVERTY CAUSED BY TAX LIMITS

The statement that both financial and political difficulties exist in Cincinnati will go unchallenged, particularly as related to the city government. Citizens find that their organized community does not conduct activities that are ordinarily a part of a properly conducted city government, and that essential activities undertaken have been curtailed or badly done. A single typical example will suffice: in five years the police department has been decreased from 767 to 587 men, and policemen who receive nominally $1,500 a year were compelled, in 1923, to take one month's vacation without pay, with a resulting salary of $1,369. Poor pay, poor facilities and poor recruiting would have broken the morale of the force except for the efforts of a chief of police of extraordinary integrity and ability.

But whatever financial difficulties Cincinnati endures, it has in common with every large city of Ohio. And the common cause underlying these difficulties is state legislation limiting the amount of taxes that may be raised for public purposes.

The larger cities of Ohio rank last among American cities of similar size, in the combined tax rate for municipal and school purposes; and Cincinnati ranks last among the larger Ohio cities. If the current operating cost of the water department (self-supporting), the hospital, the university, and police and fire pensions (fixed charges), be deducted from the operating expenditures of the city for 1914 and 1923, the increased expense for what is termed ordinary city services is $36,000. In a decade marked by increased population, demand for increased services, and material depreciation in the buying power of the dollar, the city's ordinary operating expenditures have been stationary, and not since 1915 have ordinary revenues equalled expenditures.

This continued and depressing poverty has caused the issuance of more than $7,000,000 of bonds to pay for current expenses; more than double this amount of bonds has been issued for improvements that ordinarily should be made from taxation; assets have been worn out and not replaced; personnel is reduced in number and poorly paid; streets are out of repair because money intended for that purpose has been diverted to other essential public purposes; parks are maintained inadequately; and charity and health activities properly city functions, have of necessity been taken over or largely supplemented by private philanthropy.

These conditions are not overdrawn. Each of them is evidenced by concrete admitted facts, discussed in the survey report.

STATE LEGISLATION NECESSARY TO ABOLISH TAX LIMITS

Complete remedy for these conditions is beyond the immediate power of Cincinnati citizens. While the constitution of Ohio authorizes the city to say how it shall be governed, the state legislature has restricted the funds with which to exercise that authority. Final solution lies in state legislation permitting the city to tax itself sufficiently for ordinary purposes. It is not enough to say that Cincinnati citizens may vote additional taxes as they wish. Ordinarily, citizens do not appreciate sufficiently the importance of governmental activities to impose taxes voluntarily for their proper administration.

It should be borne in mind that no government, good or bad, can be administered without funds. Were the city of Cincinnati governed by the most high-minded and efficient administrators in existence, they could not possibly, with the funds now available, give the citizens the type of government to which they are entitled.

The administrative side of the city and county governments compares favorably with that of other cities and counties. The surveyors with few exceptions have nothing but praise for the courage and integrity with which the routine operations of these governments are conducted. Under the financial handicaps imposed particularly upon the administrative officers of Cincinnati, it is marvelous that they have prosecuted their work so well. Public officers, in most instances, are more than ordinarily interested and conscientious in application to their duties, and they perform these duties in the absence of both large financial reward and public appreciation.

PLANNING FOR THE FUTURE NEGLECTED

It is believed that the Cincinnati financial situation has been aggravated by causes peculiar to the local government. A considerable part of this acute financial situation is due to lack of intelligent planning, on the part of the political party in power.

This absence of intelligent planning is evident, in the failure to provide adequate information concerning the affairs of the government, upon which citizens might arrive at just conclusions, thereby destroying public confidence in those in authority; in the failure to divide tax funds equitably between the city and county governments; in the failure to guard against the issuance of bonds, the debt service of which must be taken from operating revenues, thereby reducing the operating revenues of the city; in the issuance of bonds for inordinately long terms, and for purposes ordinarily met from current revenues; in the failure to prosecute vigorously such proposed improvements as the sewer program and the rapid transit system; and in the construction of unreasonably expensive improvements, for which no great need existed.

In Cincinnati, intelligent foresight is admittedly an obligation of the political party in power, and the failure to exercise such foresight is due to the theory of party responsibility as at present practised. True party responsibility means an absolute identification of party leadership and official position, and the presence of a second party capable of superseding the party in power. Neither of these conditions exists in Cincinnati.

Cincinnati's troubles are then financial and political, and this latter element is worthy of amplification.

WHAT "PARTY RESPONSIBILITY" MEANS IN CINCINNATI

Perhaps no city in the United States has been as persistently governed by the same political group. Since the inglorious days of "Boss" George B. Cox, the administration of the city and of Hamilton county, in which it is located, has been Republican,—with the exception of one or two brief interruptions, the last of which was the two-year Democratic administration of Mayor Henry T. Hunt, in 1911 and 1912.

Deservedly or not, this Republican administration has had no enviable reputation. The waste and corruption of former years has been exposed in numerous legislative investigations, and, in the minds of many citizens, conditions prevailing a generation ago have continued to this day.

The administrations of the city and county are not only Republican by virtue of the party politics of the men elected to office, but are also Republican from the fact that policy determining and administrative functions of the government rest actually with the party organization and not with the legislative and administrative officers upon whom such duties should legally devolve. As prescribed by law, the government of the party rests with a Republican County Committee chosen by wards and townships. The character and personnel of this committee does not deviate materially from county committees the country over. Perhaps to raise the standards of this personnel and to enlist the interest of citizens, this committee supplements its membership by the appointment of a considerable number of outstanding citizens. These citizens, with certain members of the county committee constitute the Republican Executive and Advisory Committee. To this body, divorced almost entirely from the electorate, and holding a mandate from a single political party, is delegated the actual administration of the government of the city of Cincinnati and of Hamilton county.

Legislative matters of consequence are brought before the committee before being settled; appointments of significance are made only with their approval; an administration act effecting any considerable portion of the population is considered by this body before the administrative office is permitted to proceed. This is all done in the name of party responsibility,—not the party responsibility of elected officers, but the responsibility of the men constituting the party organization. This responsibility is exercised openly and above board, and the transactions of the committee are reported in every newspaper.

NO ARTICULATE MINORITY

In Cincinnati the minority is inarticulate and inconspicuous, the Democratic party having sunk to the same status as the Republican party in any of our southern states. There does exist a small liberal minority, but without continuous leadership. It is interesting if not pertinent to speculate on the causes of this complete domination by a single political organization. Life-long residents of Cincinnati say it arises from the fact that the dominant business element established itself under the protection afforded by the Republican party of a generation ago; and that the large influx in German immigration following the Civil War was naturally Republican, as has been the negro immigration of a later period.

It is obvious that any organization whose control of an institution has little or no opposition will ultimately fall into slovenly methods. No governmental institution can be expected to do its best without a strong, intelligent, critical minority so dangerous to its life that it will be constantly urged to its best efforts.

So much for the principal findings of the survey, which may be summarized as follows: complete domination by a single political party; this domination exercised not by elective officers, but by the party organization; a lack of confidence on the part of influential citizens in that party; and distressing poverty brought on by foolish state legislation coupled with unwise administration.

RECOMMENDATIONS OF THE SURVEY

Obviously the most important recommendations of the survey had to do with these situations. It was suggested that the political phase could be corrected in part by the adoption of non-partisan elections, and a modification of the charter so as to permit independent representation in the council.

Probably this latter could be accomplished by redistricting or by proportional representation. Financial relief can be secured only through amendment of state law, through coordinated urban efforts to this end, or by re-establishment of the local government in the confidence of the public or both. Until the public is willing to tax itself sufficiently to provide funds for adequate government, it must expect government of another kind, and there are indications that that willingness will not be forthcoming until a new group is in charge of public affairs. For example, at the August elections bond issues covering forty improvement projects were defeated. Some of these improvements were desirable, but Cincinnati already has practically the largest per capita non self-supporting debt of any American city.

There were hundreds of minor recommendations made in the five hundred odd pages of reports, ranging from the distribution of a surplus of $1,750,000 discovered in the county sinking fund to the partial reorganization of the city government. Some of these recommendations will be made effective, as the Republican County Committee has pledged itself to this careful consideration.

Further, petitions are being signed providing for a city manager through amendment of the charter. The survey reports will be used effectively in the campaign.

But the most important results have been the pages of newspaper publicity that followed the publication of the report; the public has had an honest appraisal of its government; current libels have been disproven and merited criticisms made; and the importance of both money and brains as a means to effective government has been emphasized in the public mind. Perhaps both will be provided.

OUR CITY COUNCILS

III. DENVER—THE LENGTHENED SHADOW OF THE MAYOR

BY DON C. SOWERS
University of Colorado

The Denver city council has lost power to the administrative department on the one hand and to the voters on the other. :: :: :: ::

THE city of Denver is governed, in accordance with a home rule charter originally adopted March 29, 1904. In 1913 the charter was amended to provide for the commission form of government; five elective commissioners were established and the preferential system of voting was incorporated. In 1916 the so-called Speer amendment was adopted which provides for a highly centralized form of administration. The mayor is in effect an elective manager, he appoints all administrative officials without confirmation by the council; he has plenary power of dismissal without appeal except in the fire and police departments, and controls the city finances.

The city council now consists of nine members, elected from the nine districts into which the city is divided, for a two-year term. The qualifications for councilman are as follows: he must be a United States citizen, a resident of Denver for three years, a taxpayer for two years, a resident of his district for one year and twenty-five years of age. The board of councilmen annually elect one of their number president of the council. Councilmen receive an annual salary of $1,200 and the president receives $1,800. Four members of the present council had not previously held political office, two had served on previous councils, two had held federal or state offices and one had held an administrative office in the city government.

Candidates for the office of councilman are nominated by petitions signed by not less than one hundred signers. Usually three or four men are nominated from each district. The preferential nonpartisan ballot is used in elections. The voter indicates on the ballot his first choice, second choice, and other choices.

PARTISAN CONTROL WEAK

The present council is a fairly representative group of men; it is composed of a lawyer, a physician, an insurance agent, a newspaper editor, a hotel proprietor, a proprietor of a soft drink parlor, a proprietor of an insurance and loan business and two retired business men. Six members belong to the Democratic party and three to the Republican party, although one or two members might more properly be classified as independents. Apparently the politics of the members has very little to do with the actions of the council. The political party does not dominate in any sense, and social and economic interests are the controlling factors in the decisions reached. The principal motive for seeking membership in the council is probably the influence and prestige which attaches to the position; the salary is not large enough to offer much attraction and the council has practically no control over appointments in the city service. The most important element of control attaching to the position is the possibility of securing a portion of the city funds for the local districts.

One of the most prominent characteristics of the municipal government of Denver is the limited power and functions of the city council. The charter confers upon the council all legislative powers possessed by the city and county of Denver, conferred by Article XX of the state constitution; but other sections of the charter places upon the administrative officer of the city responsibility for deciding many questions of policy which in most cities rest upon the council. For example, the manager of improvements and parks may order local improvements, which the council shall authorize without amendment. The charter reads: "Whenever the board shall by resolution order any of the local improvements herein mentioned, the same shall be authorized by ordinance, which ordinance shall be in the form recommended by the board, by endorsement therein, and shall not be subject to amendment by the council."

MAYOR APPOINTS WITHOUT CONFIRMATION

As has been previously mentioned, the council not only has practically no appointing power but it has lost the power even to approve appointments. The mayor appoints all employees without confirmation of council except clerks of the council and stenographers, who are in actual practice appointed by the president of the council. The only important appointments made by the council are the members of the zoning commission.

The mayor and his cabinet formulate the general administrative policies of the city and each manager is responsible for and has full power to carry out such policies. The mayor submits his budget to the council, but the council shall not change any item in nor the total of the mayor's estimate except upon a vote of two-thirds of its members.

In brief, the powers and duties of the council consist largely in passing ordinances and resolutions submitted to it by the administrative officers of the city and the main reason why this is done is to insure the legality of the measures. In addition, of course, it passes ordinances of a general nature designed to promote the general welfare. The bulk of its duties consist however, in ratifying, approving, and confirming orders issued by administrative officers.

The council committees are appointed by the president of the council for one year. The membership of the committees consist of three councilmen with the exception of the budget and zoning committees which have six members. The following is the list of council committees: (1) Budget, (2) Cherry Creek, (3) Claims, (4) Elections, (5) Electric lights, (6) Judiciary, (7) Fire, police and excise, (8) Food and fuel, (9) Health, (10) Finance, (11) Municipal water, (12) Platte River, (13) Public grounds and buildings, (14) Public improvements, (15) Public utilities, (16) Railroads, (17) Rules and order of business, (18) Viaducts and subways, and (19) Zoning.

For the most part the council committees handle minor matters and the committee reports are usually adopted by the council. An important exception to this statement is the work of the zoning committee. The city is now at work on the proposition of zoning and responsibility for this work rests almost entirely with the council. The council appoints the zoning commission, and the board of adjustment, and it must pass the zoning ordinance and the various regulations. This work probably represents the most important accomplishment of the Denver city council in recent years, due largely to the fact that the council is strictly limited in its authority to accomplish results along other lines of activities.

THE BUDGET

The council meets every Monday night at 7.30 P. M. The procedure is dignified and follows parliamentary form. Most important matters are determined and decided upon outside of the formal council meetings which are largely for the purpose of giving approval to matters previously decided and agreed upon. The mayor and other administrative officials do not attend the council meetings. The only co-ordination between the mayor and administrative officials and council is through informal conferences and correspondence.

The mayor is required to submit his budget to the council on or before the first Monday in December. He holds informal conferences with the budget committee of the council during the preparation of his budget. Any change in the mayor's budget requires a two-thirds vote of the council. The council may not appropriate more than 90 per cent of the estimated revenue to be received during the year. When the final estimate has been signed by the mayor and clerk, the appropriation ordinance is passed in accordance therewith.

COUNCIL STRICTLY LIMITED

The power of the council to grant franchises is limited by the city charter. No franchise relating to street, alley, or public places shall be granted except by vote of the qualified taxpaying electors, and all franchises are limited to twenty years. Power to regulate public service charges by corporations is also reserved to the people. The council may grant revocable permits

The charter limits the tax levy for city and county purposes, exclusive of debt service, to fifteen mills. The council passes three tax levies: (1) the levy for the operation of the city and county government and the courts (2) the school board adopts a school levy which must be passed by the council, and (3) the state levy which is determined by the state board of equalization.

City bonds and loans can be issued solely upon an affirmative vote of the city's qualified tax payers. The charter limits the bonded indebtedness to three per cent of the assessed valuation of taxable property but bonds issued for water, light, or other public utilities from which the city will derive a revenue are not counted in determining the maximum limit of indebtedness.

The following quotation taken from Dr. Clyde L. King's *History of the Government of Denver* throws considerable light upon the present situation of the city council:

> The second tendency that has persistently characterized the city's governmental history has been the progressive deterioration of the council. This has been something more than a relative decrease in the council's power due to vesting new and greater powers in the mayor. It has been a decline in prestige, a loss of popular confidence, a deterioration in the quality of the aldermen elected. . . . The chief reason for that decline has been the fact that the members of the council were elected in small wards. They are nominated or re-elected, not because they serve the city as a unit, but because they secure advantages for their wards or control their wards in the interests of parties.

It has been previously pointed out that practically the only control which the council possess over the city's activities is the possibility of securing a portion of the city funds for the local districts. The desire of the councilmen to secure the expenditure of public funds in their districts is very pronounced and manifests itself in connection with paving programs, construction of bridges, location of street lights, etc. A recent illustration was the desire of some councilmen to divide among the districts the large sum of money collected by the city from the gas company in payment for back franchise taxes.

The city council of Denver has gradually been shorn of its power and influence by the reorganization of the city government which vests full control over matters of administration in the hands of the mayor and other administrative officials and by amendments which place final authority for incurring indebtedness or for granting franchises in the hands of the taxpaying electors. With the single exception of its control over zoning activities, its activities consist mainly of ratifying and approving matters as a matter of form. It possesses the power to investigate any city and county department which power if rightly employed should serve as a valuable and useful check upon the acts of the administrative officials. The election of councilmen from districts tends to encourage sectionalism and to some extent hampers the administrative officials in planning and executing city wide projects and programs. No doubt better results would be obtained in city administration if the council was elected at large and if it conceived its sphere of activity to be that of an advisory committee to the mayor, and interested itself in the larger questions of civic policy and improvement.

THE COUNTY BOARD IN MISSISSIPPI

BY A. B. BUTTS
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Further write-ups of county governing bodies will appear frequently in The Review. The first of the series, entitled "Politics in Southeast County, Pennsylvania", was published in July. :: :: ::

There are eighty-two counties in Mississippi. The county is the unit of government in the state. Each county is divided into five approximately equal geographical areas, called supervisor's districts, or beats, numbered from first to fifth. The county board, known as the board of supervisors, consists of five persons, who must be resident freeholders and qualified voters, each of whom is elected by the voters in his own district. The members of the board of supervisors, as is true of all elective state and county officers in Mississippi except the six state supreme court judges (who are elected for eight years), serve for four years. The salary of members of the board of supervisors is fixed by law (Chapter 163, Laws of Mississippi 1922). Each member receives five dollars for each day while in session, or while inspecting roads and bridges, provided that the salary shall not exceed a statutory maximum for the year. For the purpose of establishing this maximum the counties of the state are divided into eight classes.

The separation of powers idea does not prevail in the government of the Mississippi county. The board of supervisors clearly exercises legislative, executive, and judicial functions. The supreme court of the state has declared that the board of supervisors is a court; a decision of the board is treated as a decision of a court, and an appeal may be taken from it to either the circuit (criminal) or the chancery (civil) court. An enumeration of the principal functions of the board will suffice to indicate that both legislative and executive powers are exercised by the board. The law requires that the board look after the county property, such as the courthouse, jail, etc.; attend to the county roads, bridges, and ferries; lay county taxes, inside of a limit fixed by the legislature; defend the county in all lawsuits brought against it; make regulations as to county convicts and paupers; order elections and fill vacancies.

A TYPICAL COUNTY

In a discussion of the county board touching chiefly questions of types of men on the board and what these men do in office, it is proper to select a particular county as the subject of the study. This has been done here.

The members of the board are, on the average, fairly representative of the intelligence of their constituents. They are on the whole people who have made a success in the management of their own business affairs. No one of them is a college trained man; yet they are men of sufficient school training, natural ability, and integrity to manage in an entirely satisfactory manner the business of the county.

Membership on the county board is very decidedly regarded as a position of influence in the community. It is interesting to consider the possible motives for seeking membership on the board. Frequently a candidate is "brought out" by his community, the motive being some special local issue. In the case of local, as well as state officers, in Mississippi it must be recalled that all persons who have a chance of election to office are members of the Democratic party. The contest is within the party, a contest of persons and not of political parties, though frequently factional alignment does play a part. Sometime the special local issue which serves as the candidate's "platform" relates to a proposed hard-surface road, whether it shall be built or where the road is to be located. Again a community may bring out a man as a protest to some act unpopular with the people of the beat or district of the incumbent during the preceding term.

To some extent, though much less than before the passage of the anti-nepotism law, the possibility of patronage or the distribution of county funds for local purposes influences those who seek membership on the board of supervisors.

NEPOTISM FEARED

The 1922 legislature wisely provided that it is unlawful for any member of the board of supervisors knowingly to vote to let any contract to or for the employment by contract or otherwise of any relative of any member of the board of supervisors by blood or marriage, within the third degree, for the performance of any work, or for the furnishing of any supplies or material, within the county. The prohibition is, however, weakened, justly it may be on occasions, by the words of the act which make the law not apply to work or labor or the furnishing of supplies or material where the same is let to the lowest responsible bidder on competitive bids; for it will be apparent that these words themselves may effectively nullify the purposes of the act; but this depends wholly upon the integrity of the members of the board in methods of receiving bids and in their attitude toward any effort of collusion in this part of the board's business. The violation of this law is made a misdemeanor punishable by a fine of not less than $25 nor more than $500 or six months in the county jail, or both, in the discretion of the court; conviction carries removal from office.

In the particular county observed, the possibility of the distribution of county funds for local purposes would not influence greatly those who seek membership on the board of supervisors for the reason that the practice of the board is to divide the county-wide fund (the general road fund being substantially the only fund of this nature) into five parts based upon the relative assessed valuation of taxable property in the five districts or beats. This, it might be added, is an extra-legal proceeding, for the law intends that this shall be to all intents and purposes a general road fund, presumably the money to be expended in those places where the work is most needed.

The practice of permitting a supervisor to make agreements, or contracts, for work, chiefly upon roads, in his own beat up to the amount of $50 is a form of patronage on a small scale; this again is dictated by questions of expediency, and granting a sufficient degree of integrity to the members of the board this practice would not lead to excesses.

Selfishness is sometime the motive for seeking membership on the board; improved "spurs" leading from main hard-surfaced highways to the farm of a board member would be an extreme illustration, but one that is found in some counties. The location by or through one's possessions of new hard-surfaced roads is an important factor in enhancing the value of farm lands.

LOCAL ISSUES CONTROL ELECTION

The political alignment of the members of the county board so far as national political parties are concerned is nil; so far as state policies go is rather negligible, only occasional cases being observed where there was evident a possible cleavage into two factions of the Democratic party. Local issues determine the choice, not always, be it added, local issues of the type which should determine the choice, for the issues are frequently of such nature as to indicate the influence of patronage rather than issues which are the outgrowth of definite policies of local government. For example, in the county observed there are five banks; four of these banks have, at one time or another, sought the county deposit, which is let annually by the board of supervisors. They have, or their officers or stockholders or friends have taken a distinctly keen interest in contests for places upon the board. The economic interest here has been apparent to the most casual observer.

Competition for selection as county depository has as a rule been quite keen among the five banks of the county, especially is this true as among the three banks of the county site. In some instances the selection of the county depository has determined the question as to which bank could make a showing as the biggest bank of the county, which has been no small consideration as an advertising point. Further than this, the amount of money carried on deposit by the county has been attractive to these banks. This amount might frequently range around a hundred thousand dollars, sometimes considerably less, again even more than that amount. The banks pay from 3½ to 4 per cent interest on the average daily balance. The general statutory sinking fund deposit and the deposit of proceeds from bond issues account for the greater part of the county deposit. The law provides that either a bank within the county or a bank of an adjoining county must be given the county deposit, if they bid for it. The contract is let by the board of supervisors for one year at a time.

Three weekly newspapers are published in the county. The two that are published at the county site have been applicants for the county printing. The influence of these papers perhaps has not always been entirely free of the individual economic motive, nor would they be expected to be so; they have not, on the other hand, permitted such consideration to lead them to enter into controversies as to the relative merit of qualified candidates.

THE COURTHOUSE RING

The so-called "courthouse ring," an indefinable if not imaginary kind of local political organization, has been known to be backing or opposing certain candidates for the board of supervisors. The whole question, it will be seen, of political alignment is strictly a local one, revolving about more or less definite local issues, sometimes important issues, frequently wholly trivial ones.

The organization of the board of supervisors is perfected at the first meeting after election, which is the first Monday of January following the election in August. The factors which enter into the choice of the presiding officers, called president of the board of supervisors, and chosen for the four-year term by the board itself, are local and personal; political considerations *per se* are wholly ignored. The office is sometimes keenly sought, for it is one of decidedly more influence than that of the average member. The contest is usually between the two outstanding members of the board, and the selection is practically always settled before the initial meeting of the new board. Re-elections are frequent. Legally, the president of the board has no more power than the other members; in practice, however, his influence is frequently the determining factor in the work of the board. In practice he approves all bills, frequently outlines policies, and sometimes, depending largely upon the personnel of the particular board, is able to control the work of the board in a very effective way. He receives no extra salary allowance as president of the board.

The board does not organize into committees for its work, except in so far as each supervisor is in practice allowed considerable freedom, within a given limit, as to work in his own district or beat. On special occasions there might be named a temporary committee for a stated purpose, but such occasions are rare and of little importance in the work of the board.

OTHER OFFICIALS

In Mississippi it is optional with counties as to whether a county attorney is elected. Where the county has such an officer, he is attorney for the board of supervisors; in other counties, the board selects its own attorney. He is chosen for a four year term, and receives for his services a retainer not to exceed $600 a year. In important litigation the board is authorized to pay the attorney for the board an additional amount for such service, or the board may employ additional counsel in such litigation. The board selects road commissioners for the county, three of whom may be selected for each beat. These commissioners receive no pay for their services, but may draw a maximum of $100 for expenses incurred during any one year. Frequently, the supervisor assumes over sight of the roads in his district, in which case no commissioners are selected for that beat.

The sheriff and the chancery clerk, regularly elected county officers, serve the board of supervisors, the former to serve processes and otherwise wait upon the board; the latter, as clerk of the board. They receive for this special service three dollars a day. Ordinarily the clerk has much to do, the sheriff little if anything to do.

METHOD OF PROCEDURE

The procedure of a typical meeting of the board would involve the following principal points. The board meets the first Monday of each month. Besides the twelve regular meetings during the year, there may be an adjourned session or a called meeting. The sheriff announces at the courthouse door that the board of supervisors is in session. The business before the board is usually called up in the following order: (1) each bill against the county is called for, filed, checked over by the county attorney, who writes upon it the citation of the law under which it is allowable and signs, passed or refused by the board after being o. k'ed by the member of the board (or sheriff, in some cases) who is responsible, marked in red pencil by the president of the board "Allowed," given by the clerk a number corresponding to the number in the warrant book, and the warrant is issued; (2) persons interested may appear in the interest of or against some proposed county project, as for instance, a road, or the employment of a county farm demonstrator or home economics agent; (3) adjournment. The law requires that certain things be done at stated meetings of the board, *e.g.*, the county budget must be considered at the October meeting; the tax levy for the year is considered at the November meeting; at the May and October meetings the justices of the peace must file a report for the preceding six months showing amounts collected in fines and deposited with the county treasurer; at the August meeting the question of tax equalization is taken up, every year for the personalty, every other year for real estate. Real estate is assessed once in two years instead of annually as is the case with personal property, and the importance of this work of equalizing assessments of realty by the board usually necessitates an extended meeting covering a period of about thirty days.

The work of the board of supervisors compares very favorably with that of a well-organized city council. The bulk of the usual business of the board is practically decided before the meetings, but this applies only to the customary business of the board in the way of bills allowed and the like. Matters of special or unusual occurrence are not, as a rule, decided beforehand. The fact that each supervisor is largely responsible for the ordinary business in his own beat is responsible for the practice of allowing a good portion of the business to be attended to before the meetings. The board has, of course, a veto on any act of any member of the board.

SCOPE OF BOARD'S FUNCTIONS

The general functions of the board are provided by both constitutional provision and statutory law; the constitutional provisions relate only to the matter of roads and the extension of poor relief, all other matters being regulated by statute law. The board of supervisors has power, within limits under state law relating to the determination of general policies, to the purchasing or sale of supplies or land, to the awarding of contracts, to the calling of elections on bond issues for public improvements and issuing bonds when authorized in such elections, extending poor relief, to the administering of tax problems where matters of review and equalization of assessments are involved, to the drawing of jury lists for the circuit to the supervision of elections where election commissioners fail to act, court, and to other matters of purely local concern.

In the awarding of contracts there are many restrictions provided by law, such as the requirement under the anti-nepotism act, the requirement that all bids shall be sealed and that unless all bids are rejected the lowest bid shall be accepted, and other provisions which seek to safeguard the public business of the county.

No bonds may be issued for public improvements without the consent of a majority of the voters voting in an election called for the purpose. An unsuccessful effort has been made in the state legislature to change this requirement so as to require a majority of qualified electors in all elections for the authorization of the issuance of bonds.

In the extension of poor relief in the county observed both "indoor" or institutional and "outdoor" relief methods are practised. All persons for a long period of time receiving such relief have been negroes. A county poor farm is maintained, under the supervision of a superintendent employed by the board of supervisors. The total cost of poor relief to the county usually does not exceed $2,000 annually.

The work of the county board in equalizing assessments is one of their most important functions. In this work the board has a reasonably free hand. The board must report their equalization to the state tax commission, but the state tax commission does not intervene in the matter of equalization within a county, except in so far as individual assessments may have to be changed upward as a result of the equalization as among counties that may be ordered by the state tax commission. That is to say, the state tax commission interests itself chiefly, if not wholly, with the question of seeing that each county in the state pays a fair proportion of the state government expense; and an order from the state commission is usually tantamount to an order to the board of supervisors to make a general advance in the county assessment roll.

The county board in Mississippi has practically no control through appointment or otherwise of the county administrative officers, save the road commissioners, drainage commissioners superintendent of the poor farm, and two members of the board of trustees of the county agricultural high school (in counties having this type of county school). Members of the board of supervisors do not themselves serve in administrative capacities, except in the discharge of their duties connected with maintaining the roads of the county.

A law of 1922 for the first time requires the board of supervisors (as well as boards of mayor and aldermen of towns and villages) to prepare for publication annually a budget of the county revenues and expenditures, and requiring the chancery clerk (clerk of the board of supervisors) to keep a regular set of books, showing receipts and expenditures. This budget is prepared at the September meeting of the board, and must appear in the county paper during that month.

There is no system of centralized purchasing followed by the county board, and no definite plan of personnel control, except in so far as these matters are attended to by the president of the board of supervisors.

The extent of state supervision and control over county finances and administration is still small, the only instances of real supervision being limitations upon bond issues for special purposes, regulations by the state tax commission, and the administration of the system of state highways. The principal highways are under the administrative control of eight elected state highway commissioners chosen from and by the voters of each of the congressional districts.

WHY THE CORONER SYSTEM HAS BROKEN DOWN

THE MEDICO-LEGAL INVESTIGATION OF THE CAUSE OF DEATH

BY ALEXANDER O. GETTLER, M.A., PH.D

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The scientific determination of the cause of violent deaths is beyond the power of the old-fashioned coroner. Science will aid justice, if given a chance. :: :: :: :: :: :: :: :: ::

A THOROUGH and searching investigation into the cause of death is perhaps one of the most important and in fact indispensable civic function of a community. The department which is entrusted with this investigation should be given every support by the state, county or the municipal authorities under which it operates. This department investigates all those cases dying by criminal violence, by casualty, by suicide, by accident, and all those cases in which the death is sudden or unusual.

MEDICAL EXAMINER HELPS PUNISH THE GUILTY AND FREE THE INNOCENT

There are many important responsibilities with which this department is entrusted. It determines whether or not a death is by accident, by suicide, or homicide; for instance, if a gunshot wound of the head or body is self-inflicted or delivered by another individual. It is readily seen that the proper determination of such questions involves the rights and liberties of the individual and of those dependant upon the deceased, namely his relatives or friends. In casualty cases, which are so numerous in a large city, the investigation then involves the determination of the presence or absence of alcohol in the deceased, in order to prove or rule out intoxication. Physical evidence of alcohol should also be obtained in all automobile casualties. In many cases the determination involves the question of industrial poisoning or accident and if the same is due to neglect on the part of the employer. Again in bodies found in the water or in the remains of a fire, the question of drowning or death from fire directly or indirectly must be ascertained by physical evidence. The person found in the water may be a victim of foul play. His body may have been thrown into the water after death. It is, therefore, incumbent upon the medico-legal investigation to determine whenever possible if the body has been drowned. Again in a fire, the body may have been burned after death. Here the determination must be made and physical evidence obtained as to whether such an occurrence has taken place.

These investigations are of prime importance in bringing about a conviction of the guilty. Further let it be understood that the duties of a medical examiner's office are not to seek conviction, but simply to bring out all the medical evidence in a scientific way, so that the proper authorities can use it in a fair manner to both sides concerned. A trustworthy examination of a cadaver may oftentimes be the sole cause of proving a victim of circumstances innocent of the crime he is suspected of, and thereby, saving him from imprisonment and even from the death sentence. A few of the cases which members of the staff of the medical examiner's office of New York city have investigated during the six years of its existence will show the nature and importance of the work concerned.

Case 1. The father of a family went to his work about six o'clock in the morning. About one hour later one of his children, a nine-year-old boy, went to his mother's room and found it full of illuminating gas issuing from a broken gas fixture. He went to his mother's bed and tried to arouse her but found her lifeless. The neighbors called the police who in turn notified the medical examiner's office. The assistant medical examiner on tour arrived at the scene, looked the situation over and ordered the body to the morgue for investigation, with the possible diagnosis of gas poisoning through accident or suicide. It is well to note here the good judgment displayed by the medical examiner in not signing the case out as a gas case, as a coroner might have done, but in ordering a post mortem and chemical investigation at the laboratories. During the progress of the autopsy the blood from the heart, as well as the blood from other parts of the body were chemically analyzed for carbon monoxide (the poisonous constituent of illuminating gas). None of this gas was found in the blood of the deceased. This proved conclusively that the woman had not died of gas poisoning. The autopsy further gave corroborative evidence of asphyxiation through suffocation. Finger imprints on the back of the neck were also found. From all this evidence the chief medical examiner concluded that the woman had been suffocated, most probably by holding her face down in the pillow. Then after death, she was turned around and placed on her back and the gas turned on, for the purpose of misleading the authorities. The husband was tried and convicted. This case illustrates the importance of the chemical laboratory in proving that death was not from gas, but that it was a murder by suffocation.

SUSPICION OF FOUL DEATH REFUTED

Case II. A wealthy business man was last seen on Saturday morning, perfectly healthy and well, at his home, a fashionable residence in a suburban community of New York city. His family left him the same morning, going on a short trip. On Monday morning he was found dead, lying in his limousine automobile, in his own garage. The authorities suspected foul play. The autopsy was performed. No pathological lesions, and no signs of violence were found. The surface of the body had several pink patches. The chemical examination showed the presence of a large amount of carbon monoxide poisoning. The cause of death was at once cleared up as that of carbon monoxide poisoning. The man had evidently driven his car into the garage, closed the door, as it was a very cold day, and left his engine running. The exhaust gas contains a large percentage of carbon monoxide. This gas made him sick, and not realizing the poisonous nature of this gas he evidently sat down in his car to rest. The continued inhalation of this gas killed him. As a result of the pathological and toxicological examination the case was cleared up in a short time, thus saving the state much expense and much time in an otherwise fruitless investigation.

Case III. A man living in a small town on the border of one state had an illegitimate child from a girl in a nearby town but situated in an adjoining state. The mother of the girl requested him to marry her daughter or at least to support the child. The man answered that he would gladly take care of the infant. A few days later, he hired a buggy and drove to the girl's home. He took the child and promised to take care of it. About two weeks later a baby was found floating down a nearby river. It was identified as the child belonging to this man. He was taken into custody and questioned. He admitted having killed the child. The description of the manner of his killing, however, was remarkable. He stated that when he left the home of the girl with the child, he put the infant into a sack with a rag saturated with chloroform, tied up the sack, put it into the back of the buggy, and then drove toward his home across the border of the two states. He stated that he could not tell when the child actually died. That statement was very remarkable as he either was very well conversed in matters of criminal law, or he obtained the advice of a lawyer. For it is a matter of law that the defendant must be tried in the state in which the murder was committed. In this case, according to his statements, there was no way of telling in which state the child died. In order to ascertain the actual facts about this death an autopsy was performed by Dr. O. H. S. The various organs of the baby were analyzed by the author. No trace of chloroform was found in any of the organs, especial attention being laid upon the analysis of the brain, as this organ absorbs most readily and holds for many months after death any chloroform that may have been administered. Marks of violence were found on the face and neck of the child. The suspected murderer was confronted with these scientific facts, upon which he completely broke down, and admitted that he killed the baby by strangulation, and told just where he enacted the murder. The outstanding feature of this case is that a coroner or even an ordinary physician might not have had sufficient training and experience to consider the advisability of analyzing the organs for the presence or absence of chloroform. Through inexperience they might argue that by inhalation the child got very little chloroform; and further, the body being decomposed after two weeks of exposure to hot weather and chloroform being very volatile, it would have escaped after such a long period. It is true that the brain was very much decomposed, in fact, converted into a mass resembling a liquid mush. A series of very delicate and well controlled reactions was made and the absence of chloroform was proven. In answer to the question whether the chloroform administered may not have disappeared in the two weeks interval, experience in numerous other cases, and in animal experimentation, have proven definitely that chloroform under the identical conditions cited in this case, will remain in the brain for many months and may readily be detected.

DISPOSITION OF SUSPECTED ARSENIC POISONING

Case IV. A Mr. and Mrs. J. C. were suspected of having poisoned the brother of Mrs. J. C. An autopsy was performed by the county physician and the organs were chemically analyzed by the chemist employed by the county. The conclusion arrived at by the autopsy and chemical report was that the brother had been poisoned by arsenic. Following up this lead, the authorities of said county suspected that Mrs. J. C.'s father-in-law, and mother-in-law, who had died two and three years previously, had also been poisoned. Thereupon an exhumation of both their bodies was ordered. The attorneys for the two defendants requested the writer to be present at the exhumation and the autopsy, to witness same and also to get parts of the organs of each body for a chemical analysis. In this way, two separate series of analyses were made of each body, one by the county's chemist, and the other by myself representing the defendant. The county's chemist concluded after his investigation that the mother-in-law had also been poisoned by arsenic; in the organs of the father-in-law he found no poison at all. The defendants were first brought to trial for the death of the brother, and at a later period a second trial for the death of the mother-in-law. As both of these cases were so much alike as far as the toxicological investigation was concerned, they will be described together. The medical testimony put forth by the prosecution was the following: In both cases the pathologist for the prosecution testified that he had found no specific lesions in either of the bodies. The chemist for the prosecution testified that both bodies contained about one-fourth of a grain of arsenic in the entire body, and in his opinion this amount of arsenic had killed them. Against this testimony the experts for the defense testified as follows: The pathologist, Dr. A. V. St. G. stated that he also, corroborating the testimony of the pathologist for the prosecution, found no arsenical lesions in the various organs, and that in every previous case of arsenical poisoning that had come to his attention, there was always present some one or more typical lesions or effects produced by the arsenic. The author testified to his findings as follows: Arsenic was present in the bodies, but in extremely small amounts, mere traces. If, however, we even grant the presence of about one-fourth of a grain in the entire body, as testified to by the chemist for the prosecution, this was a far too small amount to produce death, as the smallest accepted lethal dose by various authorities is three grains. Of course, it is possible for a person to receive a lethal dose of arsenic, but live for a number of days and that during this interval the arsenic may be mostly eliminated by excretion and death still follow. Under this condition, but a small fraction of the lethal dose would remain in the body after death. If this had taken place, however, arsenical lesions would surely have been detected. This process of elimination of the arsenic was ruled out, however, because the state offered evidence that the arsenic was given about two to three hours before death. During this short interval of time, the arsenic could not have been excreted. The author further testified that he had also found a very large amount of bismuth in the stomach and other organs, and also a trace of lead in the stomach. In concluding, he testified that it is well known that there are some impure samples of bismuth on the market. These always carry with them small amounts of arsenic and traces of lead. The arsenic which got into these bodies evidently originated from the bismuth which the deceased had taken. During the course of the trial the prosecution put on the stand the physician who had attended the deceased in their last illnesses, he testified that he had prescribed bismuth for both. Further, it was testified to that both bismuth preparations had been bought in the same drug store. Thus it appeared that the same impure sample of bismuth had been partaken by both of the deceased and that the origin of the small amount of arsenic could be traced to the bismuth medication. The defendants were acquitted at both trials. These cases illustrate how careful an expert chemical investigation, saved two innocent people from the death penalty.

POLICEMAN CHARGED WITH MURDER

Case V. The attention of a policeman was called by the gathering of a large crowd in one of the streets of New York. The population in this neighborhood was cosmopolitan. The time was during the war period. On arriving at the scene he found a number of boys throwing stones at one of the windows from which was displayed a Jewish flag. The officer at once saw the cause of the trouble and proceeded to the apartment from which the flag was displayed. Here he found a young girl about sixteen years of age. He ordered her to remove the flag or else display the American flag above it. The girl refused. The officer finally forced her to remove the flag. He then left the scene. About a half hour afterward he was again summoned to a basement store across the street from the apartment. In this store, belonging to the girl's father, he found her lying lifeless on the floor, with a suicide note beside her. The note read that as the Jewish flag was not good enough to be displayed she did not desire to live, and therefore was committing suicide with some of her father's silver polishing fluid. The medical examiner ordered the body to the morgue. The author analyzed the organs of the body and found cyanide in all of them including the brain. The case was signed out cyanide poisoning by suicide. After a complete autopsy had been made in the presence of the woman lawyer, who demanded to know by what right we performed an autopsy and also made herself extremely objectionable by insisting that there were marks and bruises on the body in order to make her story out in accordance with her argument, namely that the policeman had beaten the girl up. There was not a mark on the girl's body which was examined in the presence of several members of the chief medical examiner's staff. About two months later the same woman lawyer came to the office of the chief medical examiner and stated that she had reason to believe that this was not a suicide by cyanide. She claimed that she had the signed statements of several witnesses that the officer beat the girl to death, and then to cover up the deed, wrote the suicide note himself, and poured the cyanide polishing mixture down her throat. Thereupon the chief medical examiner gently but emphatically told her that her theory was false, by reason of two outstanding scientifically proven facts. First, there were no marks of violence on the entire body; and second, not only was the contents of the oesophagus and stomach analyzed, but also all the internal organs. Cyanide was found in all of them, including the brain. The cyanide could not in said time interval (making allowance for diffusion) have gotten into the brain if poured into the stomach after death. Obtaining this irreproachable proof she at once dropped the matter. This case shows the extreme importance of careful toxicological work on cases where there seems to be no doubt whatsoever as to the cause of death. It also shows how the officer, although innocent, might have been charged with murder.

Case VI. An elderly, well-to-do

couple, had just returned to their suite of rooms in a first class hotel, from a short vacation at Palm Beach. The next morning both were found dead in one of the rooms. No clue as to the manner of their death could be unearthed. Many curious theories were put forth, among them that some one had injected some rare poison into some plums which they had eaten. The autopsies of the two bodies revealed nothing specific as to the direct cause of death. The author analyzed all the organs for all conceivable poisons but found them all absent. During the application of a series of the most sensitive tests, however, he did get a faint indication of a very small trace of cyanide. Upon this lead the lungs were now examined, using larger portions, and especially concentrating on the cyanide reactions. After much painstaking work, reactions were finally obtained which proved without question that death of both people was due to hydrocyanic acid gas, originating somewhere in the hotel. The authorities then got the admission of the manager that a fumigation had taken place on the floor below. The gas diffusing into the upper apartment killed the two people. No sign of danger had been posted. The case came to trial. The author testified his findings as above related. The defense hired two experts. One a physician doing X-ray work gave testimony as an expert pathologist. The other, a professor of chemistry, in one of the technical institutes, gave testimony as an expert pathological chemist; and toxicologist, yet himself admitted on the stand that he never before saw an autopsy nor had he analyzed a human organ before this one. When asked what is meant by the science of pathology he answered it is the science of poisons. Upon this answer the district attorney said to the witness: "The answer which you have just made is as true as all the others you have made upon this witness stand." It was testified by one of them that cyanide was not poisonous under certain conditions; it was testified that all lungs, normal lungs, your lungs, and mine, will yield cyanide in measurable quantities, because they contain carbon, hydrogen, and nitrogen; they testified that they could produce cyanide from normal lungs by simply letting them stand in a flask for five or six days; further, that they had allowed a guinea pig and a white mouse, both sick, to breath fumes of hydrocyanic acid gas and the more they partook of the fumes, the better they liked it; they began to eat more and more and finally got well from their original sickness. Such statements were testified to without the least restraint. The jury finally acquitted the defendant. A case of this kind well serves to show the poor system we have when it comes to expert medico-legal testimony. Many scientific witnesses think only of winning the case for their side, thereby stretching their testimony so far that it becomes false. What can you expect the jury to do when the experts on one side say a thing is white and those on the other that it is black?

Case VII. A well-to-do woman, married, about 45 years of age, after a more or less prolonged malady, finally died. Her sickness had been diagnosed by different physicians as nephritis. Her family physician, a few days before death, came out with the astounding statement that in his opinion the woman was suffering from bichloride of mercury poisoning. Suspicion was promptly pointed toward the husband. The district attorney ordered an investigation. Members of the staff of the medical examiner's office of New York city were requested to perform the autopsy and the toxicological examination. Upon completion of the post-mortem examination, it was found that the body did contain mercury in the various organs. It was impossible to ascertain in what form the mercury had been administered, as several days had elapsed between the time it was taken and death. It could only be ascertained that a small amount of mercury was present. It may have been taken in the form of bichloride of mercury or as calomel, or as mercury ointment or in many other medicinal ways. Calomel is a common cathartic; it is a mercury compound called mercurous chloride. If taken, the mercury will be found in all the organs in a similar manner as if taken in the form of bichloride of mercury. The pathological and histological examinations, however, at once cleared up this question as to the nature of the mercury. The examination of the kidneys and the intestinal wall gave no evidence at all of this being a bichloride death. All the usual tissue changes in cases of bichloride poisoning were absent. On the contrary, the kidneys revealed a typical picture of the ordinary nephritis. The mercury found had nothing to do with the death; it most probably originated from calomel taken for medicinal purpose. This case exemplified how important correct interpretation of one's finding are. The complete scientific study of this case surely saved the suspected husband much agony and perhaps also spared his life.

MOST CORONERS NOT PHYSICIANS

The abstracts of the cases cited above illustrate the character and extent of the work and the situations which the medical examiner's office is called upon to solve in a scientific and unbiased manner.

Having outlined the nature of the problems concerning sudden death which continually confront every community, and having indicated the skill and great experience necessary to interpret them correctly, is it not surprising that this important civic function in the counties and cities of every state in the union is so sadly neglected with marked contrast to other departments wherein we lead all the countries of the world? What then constitutes our medico-legal force? Coroners and county physicians. How many people are aware that most coroners are not even physicians? How can they decide upon medical or toxicological problems? Coroners have signed out cases as heart disease that later have proven to be bichloride poisoning, or signed out a case as kidney disease that actually was wood alcohol poisoning, and so on one could enumerate many cases in which the coroners have grossly erred. The blame for such a poor medico-legal system cannot be placed upon the coroner himself, but upon the community that appoints him. For he may do the best he can, but not being a trained pathologist nor toxicologist, is utterly lost in determining the cause of death.

The county physician may be a first class practitioner, but with very few exceptions, he is not a qualified expert pathologist or toxicologist. Who would entrust an ordinary practitioner to perform a delicate and serious operation upon one of his kin, or who would call in a surgeon to diagnose an internal malady; yet in the determination of the cause of death anyone seems to do, so long as he is a licensed physician. The law makers must awaken from this mistaken idea, and set out to change our present system, into one that will protect the community, a medico-legal system somewhat along the lines adopted in the large cities of Europe. So far in this country, only three cities have a fairly good, not perfect, medical-legal department. They are Boston, Chicago and New York. The latter abolished the coroner system and instituted that of the chief medical examiner system on January 1, 1918. All other cities, and counties still hold tenaciously to coroner and county physician. Let it be understood that this article is not against the county physician in name, for said individual could be trained to become an expert pathologist, but it is to encourage the various counties to have their men well trained in this line of work before appointing them.

WHAT CONSTITUTES A TYPICAL MEDICAL EXAMINER'S SYSTEM

A typical medical examiner's system should be constituted somewhat along the following lines:

First. It is absolutely essential to include in its make-up four departments; pathological, histological, toxicological (chemical) and bacteriological. No cause of death can be conclusively proven without rigid examination along all four of these lines.

Second. The men chosen to carry on the work of these departments must be honest, well trained and experienced; in fact, expert scientists in their respective lines. They must be scientifically honest, so that they will report their findings exactly as they are. It is extremely dangerous to entrust work of so grave a nature to a man that is easily influenced by environment. He may so turn and twist the actual results of his findings that his testimony will become a falsehood. (See case VI.) They must be well trained and experienced, so that they will be able to see and interpret their findings. Proper interpretation is a large factor in diagnosing the cause of death. (See case VII.)

Third. These experts should be given the proper laboratories, tools, and chemicals. If the work gets too burdensome they should be given well trained technicians and laboratory assistants.

Fourth. Adequate provisions for the prompt transportation of bodies from the scene of death to the mortuary and laboratory.

Fifth. In any case of sudden death it is of prime importance for the medical examiner to visit the scene before any object has been removed or even touched. In this way many signs, clues or objects for analysis are discovered which otherwise might be destroyed or lost. It is imperative for him to get to the scene at the earliest possible time. He should, therefore, be furnished with rapid transportation.

Sixth. All work performed, all results and interpretations should be in typewritten thesis form, and duly filed. Not only should the final results be indicated, but all procedures, methods, tests, quantitative determinations should be described in detail. The court then has at its disposal a permanent form of the findings to which it may refer at any time.

Seventh. The experts (privately engaged) or those of the medical examiner's staff, if such an office exists, should be called upon to testify by the court, and not by the lawyers for the defense nor by the district attorney. In this country it is the custom for the opposing legal factions to line up their own experts. This procedure does not promote the bringing out of the whole truth, it is simply a battle to win. Oftentimes experts are expected to and do modify and misinterpret their findings to suit the side by whom they are retained. (See case VI.)

It is my sincerest hope that in the near future laws will be enacted to have all experts employed or retained by the court, and not by the rival factions. In this way all biased and intentionally misinterpreted findings will disappear in court proceedings. The experts would testify in the capacity of a referee. In this form of medicolegal testimony the community would always be insured of honest scientific facts and opinion.

The chief medical examiner's office of greater New York, under the able direction of Dr. Charles Norris, has been modeled along the above lines. The results have more than proven the efficiency of the system.

Finally, attention might be called to the large amount of work of the chief medical examiner's office of New York city, accomplishes in contrast to that of its predecessor, the coroner's office. The author being in charge of the chemical and toxicological department of the chief medical examiner's office of New York city will outline the chemical work only. During the coroner's régime in New York, chemical analyses for poisons were very rarely done, perhaps two or three each year. Since February 1, 1918, however, a period of six and one-half years, the author had occasion to analyze between 14,000 and 15,000 human organs. This in itself is a training and experience unobtainable at the present time in any other city in the world. During this work many interesting facts were discovered, and new methods of analyses developed. Some of these have been published in the scientific journals; others are to be published. Among these may be mentioned: A method for the detection of chloral; a method for determining whether death was due to drowning; the best methods for detecting wood alcohol; a method for the detection of traces of benzene in cadavers; a study of oxalic acid poisoning with recovery.

PROTECTING THE PEDESTRIAN

NEW YORK'S NEW BUREAU OF PUBLIC SAFETY

BY ROBERT B. FENTRESS

The story of the aggressive war, under the direction of Barron Collier, against the hazards of the streets. :: :: :: :: :: ::

WHAT is your city doing to check the ever-increasing hazards of congested streets?

Are you depending on the ability of your police officers to write summonses and hale hundreds before the courts? Are you looking to the placing of good stiff fines as a panacea? Are you condemning the traffic department of your police force, expecting the members of that department to have as many eyes and arms as a centipede has legs?

If you are doing these things, you are doing just what most cities are doing and just what most cities have been doing continuously, unceasingly, year after year.

And still—the monthly toll mounts and mounts!

There's something wrong somewhere.

Results prove there's something wrong—

What is it?

Why is it?

How is it?

Greater New York is a city of teeming millions. Twenty-four hours each day sees the streets in use. Trucks, wagons, pleasure automobiles, street cars, thousands upon thousands of people are constantly going and coming. Time is the most precious of all things here and little time is wasted. In the midst of this maelstrom the pedestrian is merely an atom, caught up in a whirling mass—dodging here and there, swirling with the current, beset by a thousand dangers.

How could he be better protected?

What could be done to cut down the awful total of lives lost and persons seriously injured each month in this, the most crowded city in the world?

NEW METHODS

Police Commissioner Richard E. Enright, head of a department of 14,000 men to whom is entrusted the guardianship of life, liberty and property of nearly seven millions of people, realized that something different—something *new*—had to be undertaken. New times and new conditions demanded new methods to check the hazards to life and limb to which the people of this great city were daily subjected.

It was to accomplish this purpose that Commissioner Enright appointed Barron Collier deputy commissioner in charge of the bureau of public safety of the New York police, an organization created to work in close co-operation with the already established traffic bureau, but with duties and powers somewhat different.

In unofficial life, Mr. Collier is the active head of the largest advertising organization in the world. His keenness of perception, instant grasp of important facts, ability to analyze a situation or problem and boil it down to the bare fundamentals were the reasons which dictated his choice as the one to lead in New York City's fight for safety.

Mr. Collier lost no time in marshalling his facts. With the records of the police department covering a period of years placed before him he sought, in the light of the past, the solution for the present and the future.

That was in the late fall of 1922.

"There was one cause," said Mr. Collier, "which accounted for every accident on the mass of cards before me,—and that cause was carelessness. In every case carelessness on the part of some automobile or truck driver, or on the part of the person injured had brought about the accident. This pointed unmistakably to the fact that our fight was not against the automobile driver or the pedestrian as such, but was against the lack of proper care on the part of each.

"Carelessness, as we all know, is simply thoughtlessness. This brings the problem of safety to an absolute personal basis, for safety is a personal matter—an individual state of mind—a condition over which the citizen himself exerts the greatest degree of control.

"Therefore, the work of the bureau immediately became, and still is, a work of mass education—the work of bringing people to a state of safety consciousness—in short, the work of making people THINK!"

So much for the study of accidents and their causes.

Next in line came an exhaustive investigation of all data used in previous attempts to offset these accidents, with the hope that here, too, something might be found to aid materially in the solution of the problem. Posters and signs, letters and pamphlets were examined.

It was immediately noticed that the possible good effects of these warnings had been lost—wholly lost—in a vast sea of vague generalities.

"Watch Your Step!" "Be Careful!" "Better be Safe than Sorry!" etc., were the warnings issued the public, but

"Watch Your Step!"—WHERE?

"Be Careful!"—of WHAT?

"Better be Safe than Sorry!"—HOW?

Here was the evident weakness of the former campaigns; proof positive that warnings, to be effective, must be directed toward a specific objective. Warnings against carelessness in general would accomplish nothing.

SPECIFIC CAUSES ATTACKED

With the aid of Mr. Marcus Dow, president of the National Safety Council, an expert of years experience in all branches of safety work, whom Mr. Collier retained as executive secretary of the bureau, a campaign of specific attacks on specific causes of accidents was begun.

And here, primarily, lies the secret of the success of New York city's safety effort.

To direct these attacks with the greatest degree of effectiveness, further dissection was necessary. This time the operation was performed on the body of citizens who go to make up the population of the Greater City. Automatically these fell into the classification of automobilists, pedestrians, parents, children. Four fields for operation; four objectives to be reached; the appeal to specific groups rather than to the public in general made possible.

How could these groups best be reached?

The problem was simply a problem of selling. Literally millions of people were to be sold safety. The numbers alone made the task seem stupendous.

The first and most important task of any sales manager is to secure the services of competent, actively enthusiastic salesmen. Commissioner Enright, Deputy Commissioner Collier and Mr. Dow began studying the roster of the New York police department. The result was the selection of seventeen lieutenants who could "sell"; eight expert mechanics who knew automobiles from the ground up (these were formed into the famous "brake inspection squad"); a squad of four sign men for street marking work; four general office workers for compilation of records, and two "go-getters" whose duty it was to "get" whatever might be needed—regardless of whether it was carpet tacks or the services of a circus.

And so the stage was set to open war, not on accidents, but on specific causes of accidents.

"AUNTY J. WALKER"

The first in importance, as revealed by a study of old records, was carelessness in crossing streets—"jay-walking." Compilation of reports showed that of all causes, this one alone accounted for practically fifty per cent of street accidents. Mr. Collier launched his first "specific attack" on this deadly habit. Through newspapers, street car cards, bill boards, pamphlets, lectures in schools and theatres, millions of small cards handed out on the streets by Boy Scouts, he drove home his attack, blow after blow in his effort to convince people that it was just as easy and a whole lot safer to cross streets at the right places and in the right manner.

To assist him in reaching the public consciousness, he created a now famous character, "Aunty J. Walker," a smiling old lady in uniform, armed with a club and benevolent smile which would arrest attention anywhere. This little figure, within a year, had been "adopted" in many other cities throughout the United States where her kindly admonitions and friendly appeal won as great favor as she had won in New York.

Her first message called attention to the fact that carelessness in crossing streets caused practically one half of all street accidents. But she didn't stop here. Let us quote her: "Cross streets at the crossing," says she, "not in the middle of the block. Go straight across, not diagonally. Look both ways."

This warning is typical of the whole scheme of the bureau. It does not content itself with telling people to be careful in crossing streets—a generality—but it tells them just how to cross streets properly; just how to be careful. It is specific, direct, impelling.

It soon began to show results and the monthly report for July, 1924, shows that of all street accident causes, jaywalking, instead of contributing approximately 50 per cent, figured exactly 27.1 per cent. It is a good example of the effectiveness of concentrated fire.

Not content with the ordinary methods of advertising to reach the people with his safety messages, Mr. Collier sent his lieutenants into theatres; organized the schools and the school children as aids in his fight; offered prizes to the schools of each district most active; began a monthly display of posters in garages warning motorists of certain specific dangers and telling what to do and how to do it; inaugurated enormous parades, the last of which had nearly twelve thousand persons in the marching column; nearly one hundred floats, each telling a safety story; more than thirty bands; air plane escorts, etc., the greatest safety parade staged by any city in the history of the world. Police lieutenants in six months' time gave more than 800 lectures on safe driving at safety meetings for motor vehicle drivers, and this is a fair representation of their work during the life of the bureau to date.

THE SAFETY PLEDGE

Probably the most effective instrument devised by Mr. Collier in his safety fight is the safety pledge. More than two and one half *million* signatures of parents and children were secured to this pledge. The pledge was signed in January, 1924. Note its effect:

	Persons killed	Injured
In December, 1923, reports showed	100	2,756
" January, 1924, " "	85	2,269
" February, 1924, " "	51	1,622

a total of 49 lives saved and 1,134 injuries avoided in TWO MONTHS' TIME!

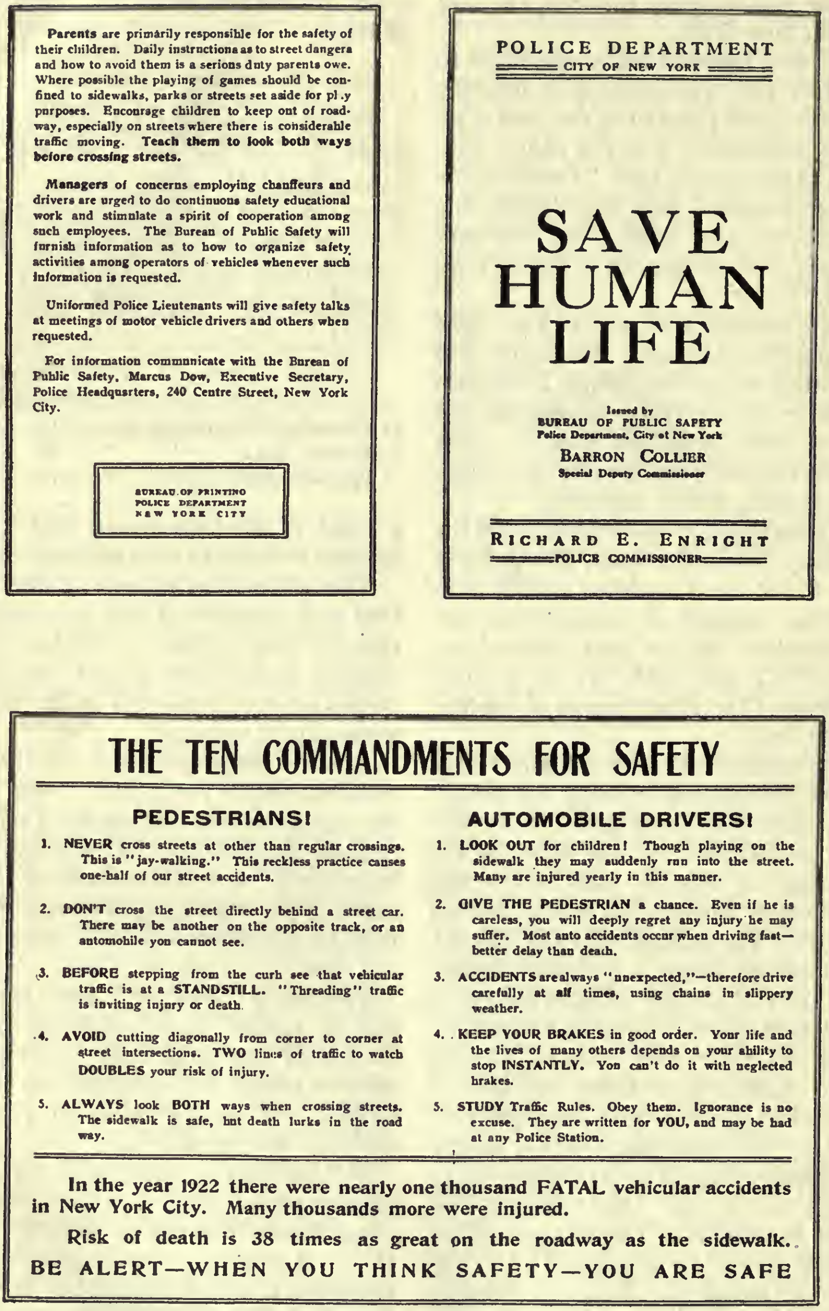
This pledge has proven so effective that it is reproduced here as a suggestion for other cities. Note how specifically each of the object groups is warned, urged, appealed to on the reverse side of the card:

Another effective appeal was the ten commandments for safety. Note how the principles arrived at in Mr. Collier's original analysis of the problem are here carried out. Hundreds of thousands of these pamphlets were distributed on the streets of New York city last year.

The battle which the bureau is waging is against ever-increasing odds. Each year sees more than 60,000 automobiles added to the congestion in its streets, and nearly 100,000 persons added to its population.

If the bureau only held its own against such increases, it would be accomplishing marvelous results. Instead, it shows a steady gain in the reduction of accidents and the prevention of death and injury.

The following report, for the first six months of the current year, released to the New York papers early in July,



Parents are primarily responsible for the safety of their children. Daily instructions as to street dangers and how to avoid them is a serious duty parents owe. Where possible the playing of games should be confined to sidewalks, parks or streets set aside for play purposes. Encourage children to keep out of roadway, especially on streets where there is considerable traffic moving. **Teach them to look both ways before crossing streets.**

Managers of concerns employing chauffeurs and drivers are urged to do continuous safety educational work and stimulate a spirit of cooperation among such employees. The Bureau of Public Safety will furnish information as to how to organize safety activities among operators of vehicles whenever such information is requested.

Uniformed Police Lieutenants will give safety talks at meetings of motor vehicle drivers and others when requested.

For information communicate with the Bureau of Public Safety, Marcus Dow, Executive Secretary, Police Headquarters, 240 Centre Street, New York City.

BUREAU OF PRINTING
POLICE DEPARTMENT
NEW YORK CITY

POLICE DEPARTMENT
CITY OF NEW YORK

SAVE HUMAN LIFE

Issued by
BUREAU OF PUBLIC SAFETY
Police Department, City of New York
BARRON COLLIER
Special Deputy Commissioner

RICHARD E. ENRIGHT
POLICE COMMISSIONER

THE TEN COMMANDMENTS FOR SAFETY

PEDESTRIANS!

1. **NEVER** cross streets at other than regular crossings. This is "jay-walking." This reckless practice causes one-half of our street accidents.
2. **DON'T** cross the street directly behind a street car. There may be another on the opposite track, or an automobile you cannot see.
3. **BEFORE** stepping from the curb see that vehicular traffic is at a **STANDSTILL.** "Threading" traffic is inviting injury or death.
4. **AVOID** cutting diagonally from corner to corner at street intersections. **TWO** lines of traffic to watch **DOUBLES** your risk of injury.
5. **ALWAYS** look **BOTH** ways when crossing streets. The sidewalk is safe, but death lurks in the road way.

AUTOMOBILE DRIVERS!

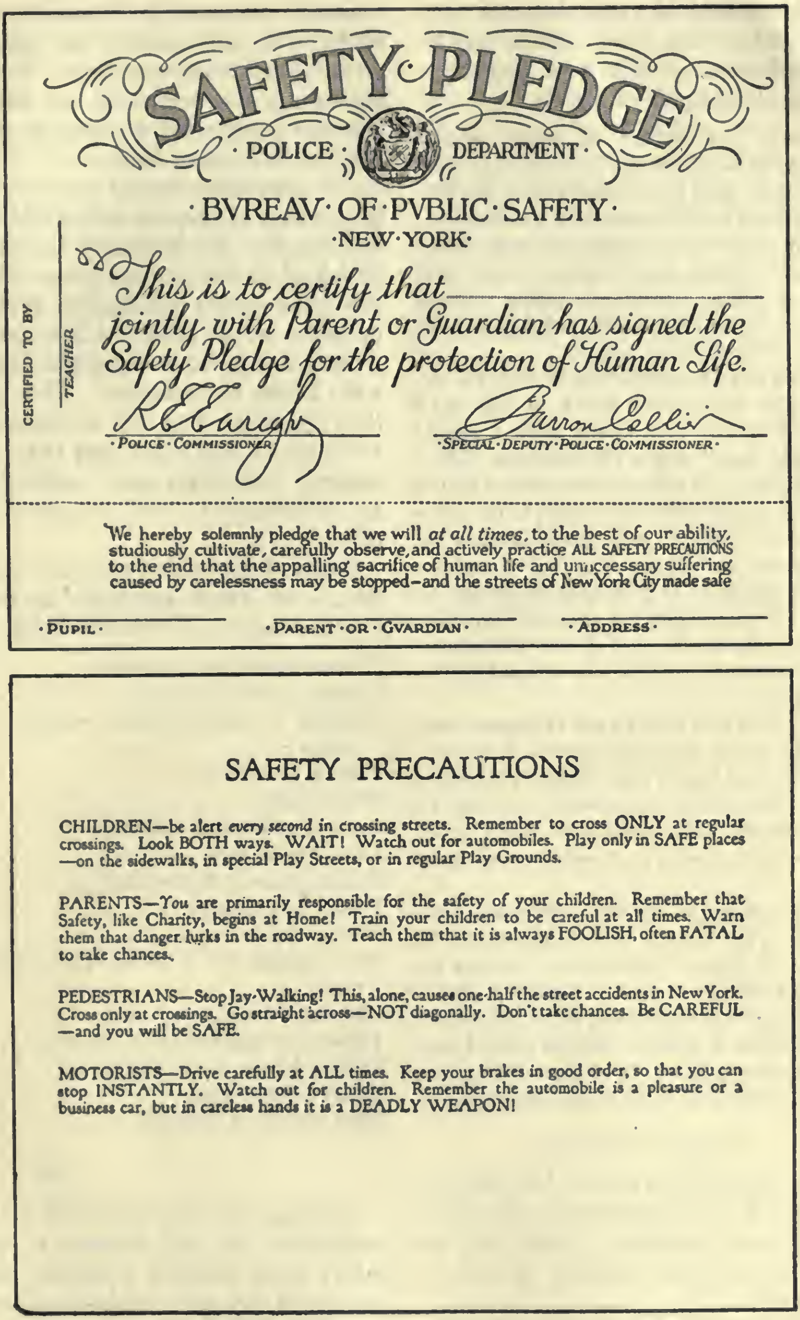
1. **LOOK OUT** for children! Though playing on the sidewalk they may suddenly run into the street. Many are injured yearly in this manner.
2. **GIVE THE PEDESTRIAN** a chance. Even if he is careless, you will deeply regret any injury he may suffer. Most auto accidents occur when driving fast—better delay than death.
3. **ACCIDENTS** are always "unexpected,"—therefore drive carefully at **all** times, using chains in slippery weather.
4. **KEEP YOUR BRAKES** in good order. Your life and the lives of many others depends on your ability to stop **INSTANTLY.** You can't do it with neglected brakes.
5. **STUDY** Traffic Rules. Obey them. Ignorance is no excuse. They are written for **YOU,** and may be had at any Police Station.

In the year 1922 there were nearly one thousand **FATAL** vehicular accidents in New York City. Many thousands more were injured.

Risk of death is 38 times as great on the roadway as the sidewalk.

BE ALERT—WHEN YOU THINK SAFETY—YOU ARE SAFE

REPRODUCTION OF A FOUR PAGE LEAFLET DISTRIBUTED BY THE HUNDREDS OF THOUSANDS ON NEW YORK STREETS



SAFETY PLEDGE

· POLICE · DEPARTMENT ·

· BVREAV · OF · PVBLIC · SAFETY ·

· NEW · YORK ·

CERTIFIED TO BY

TEACHER

This is to certify that ____________________ *jointly with Parent or Guardian has signed the Safety Pledge for the protection of Human Life.*

R E Enright

· POLICE · COMMISSIONER ·

Barron Collier

· SPECIAL · DEPUTY · POLICE · COMMISSIONER ·

"We hereby solemnly pledge that we will *at all times*, to the best of our ability, studiously cultivate, carefully observe, and actively practice ALL SAFETY PRECAUTIONS to the end that the appalling sacrifice of human life and unnecessary suffering caused by carelessness may be stopped—and the streets of New York City made safe

· PUPIL · ________ · PARENT · OR · GVARDIAN · ________ · ADDRESS · ________

SAFETY PRECAUTIONS

CHILDREN—be alert *every second* in crossing streets. Remember to cross ONLY at regular crossings. Look BOTH ways. WAIT! Watch out for automobiles. Play only in SAFE places—on the sidewalks, in special Play Streets, or in regular Play Grounds.

PARENTS—*You* are primarily responsible for the safety of your children. Remember that Safety, like Charity, begins at Home! Train your children to be careful at all times. Warn them that danger lurks in the roadway. Teach them that it is always FOOLISH, often FATAL to take chances.

PEDESTRIANS—Stop Jay-Walking! This, alone, causes one-half the street accidents in New York. Cross only at crossings. Go straight across—NOT diagonally. Don't take chances. Be CAREFUL—and you will be SAFE.

MOTORISTS—Drive carefully at ALL times. Keep your brakes in good order, so that you can stop INSTANTLY. Watch out for children. Remember the automobile is a pleasure or a business car, but in careless hands it is a DEADLY WEAPON!

SAFETY PLEDGE (FRONT AND BACK) WHICH 2½ MILLION CHILDREN AND PARENTS SIGNED proves conclusively the absolute need of and the great work which can be accomplished by this new branch in any municipal government:

> Although the number of motor vehicles registered in New York city increased more than 60,000, there were fewer persons killed the first six months of this year than in the same period last year, according to report made public today by Barron Collier, special deputy police commissioner. The number of motor vehicles registered in the city was 377,666 July 1st this year and 317,362 a year ago.
>
> "Placed in an unbroken line, 30 feet to a car, the 60,204 automobiles added to the city's dense traffic this year would make a parade 340 miles long," states Commissioner Collier in emphasizing the difficulty encountered by the bureau of public safety in its effort to cut down accidents. "Despite this great increase in automobiles, the bureau of public safety has not only succeeded in preventing an increase in deaths by automobiles, but an actual reduction is shown. In the first half of 1923 the number of deaths in street accidents was 479 and in 1924 it was 466."
>
> In the first half of last year 15 persons were killed per 10,000 registered vehicles in the city, while this year but 12 were killed. *This means that 103 human beings were saved from death by our continuous and co-operative safety effort. Likewise 1,414 persons were saved from non-fatal injury.*
>
> The population of the city is increasing even faster than the number of automobiles and the problem of safety in the streets becomes increasingly difficult to solve. Authority for the police to regulate pedestrians and compel them to cross streets at proper crossings, coupled with more severe penalties for reckless driving, are measures needed to bring about greater safety.

CAUSES OF DEATH

The report shows that 130 persons were killed while crossing streets away from proper crossings, while only 82 were killed while crossing streets at crossings.

"It is obvious," says Commissioner Collier, "this so called 'jay-walking' is a dangerous and unnecessary practice. While only a small proportion of pedestrians cross streets in the middle of the block, yet the majority of accidents occur away from crossings. It is encouraging, however, that our effort to educate people not to indulge in this practice is bearing fruit.

"During the calendar year 1923, the proportion of persons killed while jaywalking was much greater than in the first half of the present year. During the year ended December 31st, 357 persons were killed while crossing streets away from crossings and 170 were killed at crossings. This proves that pedestrians as well as automobiles need to be regulated and that under present conditions safe walking rules are necessary as well as safe driving rules."

Some of the more frequent causes of deaths in street accidents in the six months' report are the following:

Crossing streets not at crossing	130
Crossing streets at crossing	82
Boarding or alighting from vehicles in motion	7
Walking in roadway	7
Bicycle riding	11
Running off sidewalk suddenly	35
Auto jumping curb	11
Playing games in the roadway	26
Falling from vehicles	5
Stealing rides	7
Roller skating and coasting in the roadway	3
Collision of vehicles	33
Vehicles colliding with poles, trees, etc.	17
Vehicles falling over embankments	5
Vehicles overturning	4
Other causes not specified	83
Total	466

The outstanding features of the work performed by the bureau of public safety since January 1 include the obtaining of two and one-half million signatures of children and parents to a safety pledge in which a promise not to cross streets except at crossings was made; white lines and the warning

"Cross Carefully" were stencilled at important street crossings in all boroughs of the city; posters giving safety warning and rules have been posted each month in more than five thousand garages throughout the city; safety lectures emphasizing accident causes and remedies have been given each day in public and parochial schools by safety lieutenants; a brake inspection squad has inspected 58,302 automobiles and obtained 1,073 convictions for defective brakes; prizes were awarded to 76 public and parochial schools for effective safety effort, and safety talks were made in 517 motion picture theatres to an audience of 3,000,000 people; attractive floats bearing safety messages have been taken through the principal streets of the city to educate the public; and on May 17 a gigantic safety parade, the largest and most impressive ever held in any city, was conducted on Fifth avenue for the purpose of increasing public co-operation in the bureau's campaign.

RECENT BOOKS REVIEWED

The 1924 Municipal Index—A Yearbook for Municipal Officials. Published by *American City Magazine.* New York, 1924. Pp. 400.

This is the first issue of what will doubtless become a hardy annual of much usefulness to municipal officials. Primarily it is a purchasing agent's handy guide, being made up mostly of page advertisements by the purveyors of municipal equipment such as snow removers, sewer pipe, air maps, fire hose, waste-disposal systems, ultra violet rays, street lights and steam rollers, cast into a standard form of presentation that makes an orderly combination catalogue. There have been similar books for many years in other trades, for example, the big Sweet's Index of building equipment which is indispensable in architects' offices.

A general article in the style of an encyclopedia precedes the advertisements in each department. These articles are closely packed with facts and end with lists of references in which the available reprints and pamphlets of the *American City Magazine* are rather heavily favored.

It cannot help but be useful to city officials. It will be more useful the bigger and more comprehensive it gets in later years and would gain in authority if it included gratis a catalogue of the names and addresses of all purveyors of municipal supplies so far as known regardless of their willingness to pay for a page advertisement.

And perhaps besides being useful, it may become a gold mine unto the well-deserving Mr. Buttenheim, whom may no cats scratch

R. S. Childs.

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First Annual Report of the Commission on Administration and Finance of the Commonwealth of Massachusetts. For the Year ending November 30, 1923. Public Document No. 140. Boston, 1924.

Here is a report on the work of a state commission that deserves special attention. Rarely, very rarely, can this be said of such documents. This report is a model for brevity and information. It contains only 15 printed pages, yet it covers thoroughly and in a convincing manner the year's work of the commission.

There is a certain frankness about this report that is quite refreshing to one who has had to read thousands of pages of such reports. Certainly, this attitude is seldom, if ever, found in public documents of this kind. The general tendency with state commissions and other officials, it must be admitted, is to be more or less frank until they get into office and then to shut up like a clam. They usually spend as much money as possible, gloss over the quality of work performed, and keep the public in the dark by printing voluminous reports, the arid pages of which no citizen will attempt to scan. Evidently, the Massachusetts commission proposes to do differently. In the very introduction of its report, one reads the following: "The creation of the commission was openly opposed by the heads of some departments, who disliked to turn over any of their authority to a business commission. The resistance of these officials is being overcome as they are able to see substantial money savings to the state from standardization, quantity purchasing and general financial supervision. The commission has had thrust upon it a multitude of disagreeable duties, and necessarily must refuse many requests each day. *It never will be popular.* If it should, it would be conclusive evidence that it is failing to function properly."

The commission on administration and finance was created by the legislature of 1922 and appointed by Governor Cox in December of that year. It took over the control of personnel and the preparation of the budget from the office of supervisor of administration, and established the new functions of centralized purchasing and general accounting control. The commission is in fact the central fiscal agency of the state government.

For those who do not have the time to read the entire 15 pages, the report of the commission is summarized in the first two pages. Many striking statements are here set down relative to the commission's work. The budget estimates for 1924 were cut over $8,000,000. The cost of miscellaneous printing alone was reduced in one year from $600,000 to $400,000. Several reports were discontinued; others were carefully edited before printing with a view to eliminating irrelevant and unnecessary matter. One annual publication of 1,300 pages, which cost $12,000 in 1922, was discontinued. The report of one department, which contained 680 pages in 1921, was reduced to 146 pages in 1922. The centralized purchasing system has been organized to handle a business aggregating nearly $10,000,000 a year. Salary increases and promotions of state employees are made according to standard rules and regulations adopted by the commission. The auditing and accounting work of the state government has been entirely separated. The accounting work is all done by the controller's division under the commission. The auditing is done by the independent elective auditor, who keeps no books. The practice of each institution paying its own bills has been discontinued; all payments are now made directly by the state treasurer. Where institutions or departments must keep accounts, these have been worked out according to a uniform system and installed. These are only a few of the things relating to the work of this commission as briefly recited in its first annual report, a document which should be read for its form and style of presentation by governors, legislators and state officials everywhere.

A. E. Buck.

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Our City—New York. Edited by Frank A. Rexford. New York: Allyn and Bacon. Pp. xxv+400.

The extension of the teaching of "Community Civics" during the first quarter of the twentieth century will, some of us confidently believe, be looked back upon in later years as marking one of the epochs in education. Never before was the attention and interest of the school population concentrated upon the practical problems of living together. When a generation trained in this way has arisen to manhood and womanhood there is to be expected a great development of enlightened public opinion which will strengthen the hands of legislators and administrators who are working for the public welfare.

The great difficulty confronting the live teachers of "Community Civics" has always been that the textbooks were written for the country at large and therefore could not contain the material necessary for the understanding of local conditions. Newark led the way many years ago in the organization of the teachers to collect and print materials for class use. Since then several cities have produced their own books under various auspices.

The present volume was prepared by the cooperative effort of the high schools of New York city under the direction of Mr. Rexford, the supervisor of civics. The method of preparation has its obvious advantages and disadvantages. Collection of information on so vast an organization as the city of New York was made quicker and more complete by the enlistment of an army of students and teachers in the service. It also made certain that the information and its manner of presentation would be interesting to young people. The part taken by the students themselves and the award of a medal for achievement in this service must have made the performance of this work one of the greatest means of civic training in the lives of many hundreds of young citizens. The disadvantage, of course, lies in the unevenness of the style, organization and content of the chapters.

The book is attractively printed and bound and contains a very large number of pictures, maps and diagrams which add greatly to its interest. There are nineteen chapters, each describing one phase of community activity, and their content is very interesting, covering as it does all the manifold forms of public service in "the greatest city in the world." Many of the chapters have clever introductions intended to capture the attention of the reader. The great variety in the treatment of the topics also, while it breaks the unity, prevents monotony and so adds to interest. Chapters which especially attracted the reviewer's attention because of their excellence were those on Health, Education, Courts and the Citizen as a Voter. Transportation is not well handled with the exception of the section on the port which is graphic, forceful and clear. City Planning is disappointing; the order of the topics is poor and the general effect is confusing. It is as if the writer had no map of the city before him as he wrote. The description of the water supply system is also poorly arranged and is unnecessarily dry (considering the subject).

Throughout the book there is a fine emphasis on citizenship. The authors show how even the young citizen may make a contribution to the common welfare in connection with the many activities of the community. While the whole book will tend to increase his pride in the greatness of the city of which he is a member, it also points to the need of combined effort for improvement.

It is to be hoped that *Our City—New York* will find readers among the adult citizens who would be much benefited by its perusal.

JESSIE C. EVANS.

William Penn High School,
Philadelphia.

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THE GREAT GAME OF POLITICS. By Frank Rockwell Kent. New York: Doubleday, Page & Co., 1924.

Every voter, going-to-be voter and ought-to-be voter should read this book. Office-holders know its contents by heart. We are all obliged to Mr. Kent for thus putting before the average boob or hick citizen, the raw material of the machine's power, the observations of a newspaper man who has kept a slightly cynical eye on our practical politics for twenty-five years.

The volume is in three sections. Part I, the Party Machine—From the Precinct Executive to the Boss, has 30 chapters and 192 pages. Part II, Candidates and Their Ways (mostly dark, vain and peculiar!) has 15 chapters and 82 pages. An Appendix, The Vote, Its Source, Casting and Counting, has 11 chapters and 44 pages. A chapter list and a five-page preface stating that the author's purpose is to disseminate political information, complete the volume. There is no index.

These 56 chapters, ranging from about 500 to 2,000 words, were apparently written as a series in a daily or weekly paper and exhibit the confusion, repetition and shallowness incident to this sort of work. The strength of the book is in Mr. Kent's keen realization of the machine as alive, functioning, persistent alike in victory and through defeat, and in the detailed picture he gives of it.

The weaknesses of the book, to this reviewer at least, are halo-ism and headline-ism. Despite his long experience, there is to Mr. Kent something mysterious and holy about the nature of government, while the WILL of the MAJORITY (capitals not the author's) is so sacred as to be almost beyond thinking about. It must be kowtowed to as the *New York Herald Tribune* kowtows to its own legendary concept of Calvin Coolidge.

That is journalism, the itch to play up a "story" whether there is one or not, the besotted craving for headlines whether justified or not. The study of accounting, history and political theory might help toward a cure. The development of standards, unit costs, regulated accounts and kindred betterments is altering the work and hence the nature of administration. The machine is affected and altered by the slowly rising tide of better habits in business and in other modes of our community life.

What support does history give to the idea that more voters voting will cut tax-rates? Have taxes been hoisted by machine politics or by cheap gasoline, the desire for improvement and pleasure and a general belief as naïve as Mr. Kent's in the exhaustless wealth of the community? What boss ever got rich out of politics and left a fortune in real money to his heirs?

If the voter is necessarily and easily humbugged (chapter 31) and if newspapers feel it indelicate or indecent to print facts (page 213) what good will result from hustling twenty-odd million more such voters to the polls? The author seems singularly unaware of the painful doubts that many erstwhile reformers, such as Oscar King Davis, secretary of T. R.'s Bull Moose national committee, now entertain respecting the value of primary elections.

Such considerations leave this book somewhat sicklied o'er with the pale cast of obsolescence. but Mr. Kent has given us a really valuable memorandum on practical politics in the United States in a period when our political pretensions were virtuously contemptuous of our political institutions.

W. L. WHITTLESEY.

Princeton University.

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A DICTIONARY OF AMERICAN POLITICS. By Edward Conrad Smith. New York: A. L. Burt Co., 1924. Pp. 496.

Professor Smith has performed a valuable service for students of politics by compiling in a single volume a vast amount of previously scattered information relative to the history and government of the United States. The work includes brief biographies of all important characters in American political life from the time of Washington to the present day. Reference is made to significant laws and treaties, and to some of the amendments to the Constitution, as well as a number of the more important cases interpreting that document. All parties and factions that have played a part in our history receive at least "honorable mention" at the author's hands. Several hundred words are devoted to each of the states of the Union, and few places of political importance are forgotten. The origin and meaning of several thousand phrases current in the parlance of American politics, together with many legal terms, are made clear.

The compilation seems to have been made with more than average thoroughness, although there are occasional omissions and some inaccuracies. One is astounded, for example, after finding that the author has seen fit to include a definition of "Goo-goo" (a goody-good reformer), to discover that no reference has been made to a case of such outstanding importance as *Gibbons* v. *Ogden*. The errors discovered by the reviewer were not very glaring. Typical of them is the definition of franking: "The privilege enjoyed by members of Congress of sending mail free of charge." The author apparently assumes that the franking privilege is limited to members of Congress.

But the most serious charge that can fairly be made against Professor Smith is his triviality. In his laudable attempt to be thorough he has included a vast number of insignificant phrases which seem out of place in any serious work. "Sorehead," "Peanut politics," and "Hoopla" are but a few examples of the hundreds of trivial expressions that might well be quoted. The author has even seen fit to give a definition of "embalmed beef," referring to Roosevelt's characterization of the canned meat furnished to the army during the Spanish-American War.

One could not fairly object to the inclusion of minor details if more important matters were treated adequately. But Professor Smith has not treated many of his topics so fully as even the casual reader might desire. A political dictionary that devotes more space to the meaning of "soapbox" than to a description of the tariff commission and its work may fairly be said to lack balance.

These criticisms are not intended as a suggestion that the *Dictionary of American Politics* fails to meet a definite need. On the contrary, it is a very welcome addition to the literature of American government, and should prove valuable as a reference work to every student of our political institutions. It is to be hoped, however, that if Professor Smith ever undertakes a revision of his work, he will exercise more discretion in weighting his material.

Austin F. Macdonald.
University of Pennsylvania.

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Boss Platt and His New York Machine. A Study of the Political Leadership of Thomas C. Platt, Theodore Roosevelt, and others. By Harold F. Gosnell. Chicago: The University of Chicago Press, 1924.

Dr. Gosnell's book is not a biography, nor is it a mere essay on political leadership. It is rather a carefully compiled mass of evidence concerning the sources from which Thomas Collier Platt drew the power which enabled him to dominate the politics of New York for a period of approximately twenty-five years after the decline of Conkling's leadership. Prof. Charles E. Merriam in his introduction to the volume states that the author "has examined the social, economic and political background of Mr. Platt; he has studied, as carefully as material permitted, his personal equipment; he has traced his training and his achievements; he has examined the weapons at his command, and the strategy and tactics of his political warfare; he has shown how the power that was so built up began to decline and disintegrate; and he has made an estimate and appraisal of this particular leader from the point of view of individual technique and social significance."

No student of politics, whose high hopes for a more rational explanation of political behavior rose with the publication of Graham Wallas' *Human Nature in Politics* and ebbed through fifteen succeeding years during which the expected marriage of politics and psychology was repeatedly announced but never consummated, can fail to see in this book the first real effort to interpret in scientific terms the phenomena of political power. One finds it easy to agree with Professor Merriam that it is "pioneer work of the very greatest value and significance to every student of political phenomena."

Aristotle, Machiavelli, Hobbes and other classical political theorists sought the explanation of political activity in terms of the primitive psychological assumptions of their contemporaries, supplemented by shrewd observations of the actions of others and by introspection. The method suggested by Professor Merriam in his suggestive introduction and followed by Dr. Gosnell throughout the book disregards this deceptive method and proceeds directly to the objective realities of the leader's own methods. It is based upon the patent fact that the boss succeeds, it seeks to record exactly what the boss does and it draws the conclusion that the detailed activity of the boss is in itself the explanation of political motivation. Such a method in so far as it is relieved from the pitfalls of pure speculation and the tentative character of modern psychological science is somewhat simple. But its execution is conditioned upon the ability of the student to get the real facts, not merely the specious explanation of the politician himself nor the newspaper accounts of what happens. Dr. Gosnell's facts are drawn from a remarkable diversity of sources: the press, both metropolitan and rural; court records, some personal correspondence and extensive interviews with contemporaries of Platt. The result is a storehouse of information concerning a most important period in political history. The relation of the controlled and partially "kept" press to the Platt organization, the use of the money power to which the president of the American Express Company was no stranger, the carefully selected satraps in Albany, Rochester, Elmira and other cities of the state, the use of patronage, the relations between Albany and Washington and a score of other aspects of the Platt control are described in detail.

One who seeks diverting and dramatic narration will be disappointed. Dr. Gosnell repeatedly violates the dramatic unities in order to drive home a well-documented lesson in political science. And with the career of such a picturesque figure as Roosevelt unfolding before your eyes these digressions are sometimes annoying. But Dr. Gosnell was wise to remain consistently scientific. There are spots where, if additional information were available, it should have been collected. For example the suggestion repeatedly made in Platt's time that he worked sometimes in co-operation with Croker and Tammany.

Dr. Gosnell treats this briefly, but neither proves the alleged relationship nor acquits the principals. There is little concerning the abandonment of Governor Hughes by President Roosevelt in 1908. One questions throughout whether adequate recognition is made of the purely fortuitous in Platt's ascendency. Surely a leadership which weakened so rapidly at the end was not at any time securely based. Perhaps more hardy specimens of bosses in other states would furnish even more valuable evidences of methods of political power.

It in no wise detracts from the value of Dr. Gosnell's contribution to call attention to the fact that this study is a product of a group of students of politics at the University of Chicago which under the leadership of Professor Merriam is destined to make a most significant contribution to scientific social investigation. Through his service as a member of the committee on political research of the American Political Science Association, his leadership in the annual Conference on Political Research and through the actual research conducted in his department at the University of Chicago Professor Merriam has gone far in turning the attention of students of government to those parts of their field of interest which have so long remained unexplored.

Raymond Moley.

Columbia University.

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Public Personnel Studies. A review of the first seven issues of the bulletin published by the Bureau of Public Personnel Administration.[1]

The Bureau of Public Personnel Administration of 26 Jackson Place, Washington, D. C., during the fall of 1923 issued the first six numbers of a new publication bearing the title, *Public Personnel Studies*. During the experimental period this newcomer in the field of journalism used printer's ink sparingly—in fact, only the covers of each of these numbers were printed, the twenty-odd pages of inside information being mimeographed.

The first issue appearing on October 15, 1923, was devoted to a description and explanation of Intelligence Tests in the Civil Service. The next five numbers dealt with different phases of the general subject of a Comparative Study of Clerical Tests.

These six numbers of the Studies were experimental in character. Those dealing with the clerical tests appear to be mere compilations and illustrations of questions at sometime asked by a commission. No clue is given as to when or where any particular question was used or whether the test was for a high grade or low grade class of positions. Nor is any effort made to appraise the value, or the relative value of different types of clerical tests.

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[1] The organization and scope of the Bureau were fully described in the Review for May, 1923.

In February of 1924 there appeared in complete printed form the first issue of volume two of the *Public Personnel Studies,* containing two articles: The Civil Service Tests for Patrolmen in Philadelphia by Dr. L. L. Thurstone, and The Classification of Labor Positions and the Testing of Labor Applicants in the Public Service, by Fred Telford.

These articles differ from the earlier Studies in that they more truly deserve being called studies. Dr. Thurstone (who is now no longer connected with the bureau) in his article reports the results of a comparison between the grades received by successful applicants in a particular civil service test for patrolmen conducted by the Philadelphia Civil Service Commission, consisting at that time of Clinton Rogers Woodruff, Esq., Colonel (now Judge) Lewis H. Van Dusen, and Charles W. Neeld, and the report by the Philadelphia Police Training School of the "record" while in the school of the same group of embryonic patrolmen.

In this particular study an effort was made to determine the value of different parts of the civil service test in terms of the grades of the men (viz., the men who passed the test and entered the training school) as given to them by those conducting the school.

Unfortunately the criterion used, namely, the grades assigned in the school, is (as stated by the author of the study) "itself subject to some error." It is clear that any unexpected lack of correlation between the particular portions of the civil service test and the grades assigned in the training school might lead to *two* possible remedies: (1) Improve the tests, *and* or *or* (2) improve the training school and the methods of assigning grades therein.[1]

The article by Mr. Telford relating to labor positions draws, among others, the following conclusions:

> 1. Though any individual labor position is of minor importance in public employment administration, the total number of labor positions is normally so large that this group of positions is one of the most important in a state, county, or city service.
>
> 2. High-class public employment administration requires that labor positions be grouped into classes (or grades) which include all positions so similar as to duties and responsibilities that they may be given a common appropriate title and that they may be treated alike in selecting qualified incumbents and in determining equitable rates of pay.
>
> 5. The tests for laborers of any class (or grade) should include as subjects education and experience, physical tests, performance tests, and oral tests on duties, but should not require from competitors written statements, other than a simple form of application and possibly an identification sheet, and should not require to exceed 15 minutes of the time of the examiner.

While these conclusions seem to be sound they indicate the practice of the future rather than of the present time. It should be remembered that the present practice in governmental units, both those operating under merit system laws and those not enjoying this distinction, is to pass as lightly as possible over the problems involved in labor positions. The day may not be distant when public officials will "discover" the possibilities of applying modern personnel methods to the lowly field of the laboring group.

Albert Smith Faught.

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[1] As a matter of local history it may be worth recording that even before the study was published or the results known by the Philadelphia Civil Service Commission, the test for patrolmen was modified; and almost simultaneously with the publication of the study the Philadelphia Police Training School was abolished.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY W. A. BASSETT

Limiting the Licenses of Taxicab Operators to Help Solve Traffic Problems.—Adequate taxicab service is recognized today as a demonstrable need in practically every community. At the same time traffic congestion in many cities is aggravated to a considerable degree by the excess of taxicabs over the number required. The evil of the roving taxi and how to overcome it has been the subject of extensive newspaper comment and discussion, notably in New York city, and is present to a less degree perhaps in other large cities.

In the larger communities most of the roving taxis are licensed although in some the evil of the unlicensed taxicab operator is still present. Many remedies have been tried to meet this situation. These have included injunctions, fines and even jail sentences in the case of the wildcat operator and revoking permits of the roving taxicabs. It would appear that sufficient attention has not been given to the prevention of these conditions by limiting the number of licensed taxicabs. Experience indicates that it is possible to ascertain within reasonable limits the amount of taxicab service required for any community. One authority has estimated the ratio to be one taxicab for each 600 population as a maximum for the largest cities, while another suggests a ratio of one per thousand as ample, and one that should insure profitable operation for the taxi owners. Licensing authorities have ample discretion in the matter of limiting the number of licensed taxicabs. It is imperative that greater attention should be given to exercising this authority.

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Ruling of California Courts Protects Licensed Bus Operators against Unregulated Competition.—A convenient means of securing prompt redress against unlicensed competition is afforded the licensed bus operators of California by a recent decision of the supreme court of the state. The court ruled that the superior courts of California have concurrent jurisdiction with the state railroad commission in taking action against unlicensed bus and truck operators within that state. This means that in the event of illegitimate competition any duly licensed bus operator can appeal to the most convenient superior court for writ of injunction against the individual offering such competition. Any operator who continues to run in defiance of an injunction will be liable to civil suit for contempt of court. In the past the only redress offered properly licensed bus operators in the matter of wildcat competition has been to appeal to the state railroad commission. That body had always been ready to render assistance in these matters as expeditiously as possible but is hampered on account of limited funds and lack of police jurisdiction for enforcing its rulings.

The findings of the court are of particular interest for two reasons, the first is in its requiring that unlicensed operators obtain from the railroad commission of the state of California a certificate declaring that the public convenience and necessity require such operations as a prerequisite to conducting such an enterprise and, second in its interpretation of the concurrent jurisdiction and power, in respect to such matters of the superior court and the state railroad commission. The problem of combating unregulated bus operation has proven a vexatious one in many communities. This decision should be of advantage in meeting situations of similar character to the California one that might develop in other states.

⁂

Are Toll Roads a Possibility of the Near Future?—The discontinuance of the toll road has been recognized as an important milestone in the progress towards efficient public highway administration. The absolute dependence of the public on its highways demanded that these facilities be taken out of private control. As the result of present day traffic conditions, however, and particularly due to the need which has developed for trunk roads to accommodate motor transport and other through traffic, serious consideration is being given to the possibility of providing the latter facilities as toll roads. As a means of relieving local communities, through which trunk highways would pass, from the burden of taxation which providing these might entail, it would appear that such an arrangement merits careful consideration. The *Engineering News-Record* in a recent issue, offers the following editorial comment on this matter:

> Consideration of trunk roads exclusively for motor vehicles appears to have gone farther in European countries than it has in America. England has been discussing several projects, the most notable being the London-Birmingham road, 100 miles, to be paved with concrete 50 feet wide. A more important example, from the fact that it is proceeding rapidly with its construction, is the 55-mile Italian autostrada described in this issue. Like the proposed London-Birmingham highway, the Italian road is concrete paved. Both are toll roads financed and operated by private interests with government sanction and, in a limited way, government aid. Particularly three things are outstanding as characteristic of these foreign road developments: They are routes wholly separate from existing highways; they are speedways, *i.e.*, paved roads without grade crossings, and they are private commercial enterprises. It is barely possible that some last-century American toll road still is operated; if not, the nearest similar highway in the United States is the recently completed Conners toll road through the Florida Everglades. Here it will be noted that, unlike the British and Italian projects it is a general traffic route and not of speedway construction, but, like the foreign highways, it is a commercial enterprise operating under state sanction for profit. These three enterprises suggest the possibility of the revival of the toll road to meet other pressing conditions of highway traffic.

❖

Serious Gasoline Tank Explosion Due to Unusual Cause.—The need for more effective regulation of gasoline filling operations is demonstrated by the explosion of a gasoline tank at the plant of the Watson Company, Attleboro, Mass., during December, 1923. The accident which caused the death of one man occurred while the tank was being filled from a delivery truck. According to the inspection department of the Associated Mutual Fire Insurance Company, the causes of the accident were as follows:

> The gasoline hose was not screwed tightly to the tank inlet, as was usually done, but was placed into a two inch opening in the top. During the filling process the gasoline vapor formed an explosive mixture with the air in the nearly empty tank. This explosive mixture was directly exposed at the open filling hole to danger of ignition by flame or spark. The friction of the gasoline flowing through the filling hose generated a charge of static electricity in the metal lining and end coupling of the hose. The metal lining which is used because it is not affected by gasoline, is covered with a layer of rubber and an outside jacket of cotton. These coverings insulated the lining so that the charge of electricity gradually accumulated until it became great enough to jump the tank shell. The resulting spark ignited the vapors from the stream of gasoline.
>
> The danger of the open filling hole in the tank can be avoided by providing a fill pipe that makes a tight joint at the tank shell and extends down inside the tank to the bottom. In this manner the interior of the tank is cut off by a seal of gasoline, and the only exposed surface is inside the small pipe. Sparks of static electricity can be prevented by coupling the hose directly to the fill pipe.

Accidents of this character are comparatively rare but they have been of sufficient frequent occurrence to demand serious attention by public authorities as well as those engaged in the transportation or handling of gasoline or other explosive liquids.

❖

Revenues from Final Disposition of Garbage and Rubbish, Washington, D. C.—Gross operating receipts of the city refuse division of the engineer department of the District of Columbia, which has jurisdiction over the collection and final disposition of municipal waste within the District, aggregated $302,631, for the year ended June 30, 1924, against an expenditure for all purposes of $821,155. It is true that these expenditures, according to Mr. Morris Hacker, supervisor of city refuse, while including all salaries, rent, repairs, renewals, replacements and purchase of new equipment, made during the year, do not include interest or sinking fund charges nor any allowance for space occupied in the district building nor the service of the purchasing auditing and disbursing, which constitute legitimate charges against the gross operating expense of the above activities. At the same time even granting that the statement of gross operating expense is lacking in some items, a department so operated as to produce revenues of this amount from these sources in a city with a population of less than half a million demands recognition.

The final disposition of garbage is by reduction and the receipts from the sale of grease totalled $196,619. Including the freight on the garbage from Washington to the plant, a distance of thirty miles, the expense of reduction is quoted at $167,954, leaving an apparent balance of $28,666. The disposal plant for rubbish is in private ownership, and included in the cost of operation for the year 1923–24, is one item of rental amounting to $11,500, and a second of $9,000, covering the purchase of land adjoining the plant. The charges made against the cost of rubbish disposal amounted to $95,049, and the revenues aggregated $101,743, giving an apparent operating surplus of $6,693.

The expenditure of $9,000 for additional land at the rubbish disposal plant site would hardly appear to be a legitimate charge against operating expense. If this is considered as a capital expenditure and merely appropriate fixed charges against it are included in the operating cost of final disposition of rubbish, there would result a more substantial surplus than is claimed. It is to be regretted that the method of accounting employed in recording the various operations of waste collection and disposal in the District, are such that it is not possible to ascertain the true cost of this work. However, the results accomplished in respect of receipts from waste disposal indicate a commendable efficiency in the administration of these activities. At the present time there appears to be a disposition on the part of municipalities to adopt some form of incineration for the disposal of waste rather than reduction in combination with rubbish reclamation. There are in many cases sound reasons for this decision, but for some of the larger cities the experience of Washington in applying salvaging methods to its waste disposal problem should be worthy of serious consideration.

⁂

Defeat of Improvement Bonds in Cincinnati, Ohio.—A proposed bond issue of $7,000,000 designed to provide funds for the construction of thirty-five street improvements, six sewer improvements and four grade crossing elimination projects, was defeated overwhelmingly at an election held in Cincinnati on August 12. This occurrence is of more than local interest, as a number of the improvements proposed were designed to meet pressing community needs.

The *Engineering News-Record*, in commenting editorially on this situation, attributes this action to a distrust of their city government by the people of Cincinnati. This editorial points out:

> That all forty-five improvements should have been defeated is all the more significant because eighteen of them had been endorsed by the local engineers' club, after investigation, and by the directors of both the automobile club and the Chamber of Commerce, and because a representative of the Technical Advisory Corporation had asserted that the proposed improvements fitted into its recommendations for a city plan. The improvements had the endorsement, also of the Federated Civic Association of Hamilton county and the dominant political organization of the city and county. The endorsement of the latter perhaps contributed to the defeat of the bonds, for but recently municipal research investigators from outside the city, engaged—such is sometimes the irony of fate—by a committee of this organization, had made a lengthy report strongly condemnatory of the city government and alleging that instead of being the servant of all the people it was subservient to a single man—unnamed but well known locally.

Undoubtedly the city of Cincinnati has operated for many years under an ill-advised and unsound financial policy. At the same time it should be recognized that this policy has to a considerable extent been forced upon it as the result of the archaic and inadequate state tax laws. The condition would seem to be, possibly at least, one of public discouragement rather than public distrust.

The past administration of certain public works and engineering activities of the city government has been notably competent. Failure to secure satisfactory accomplishment in the matter of service, as is pointed out in the recent survey report, which was prepared under the direction of L. D. Upson, of Detroit, has been due to the starvation policy followed by the city government in providing funds for those activities. The present situation is particularly serious, as failure to carry out certain of the proposed street improvements will undoubtedly result in substantial community loss that might be avoided in part. With a community in the predicament of Cincinnati, it is difficult to convince the public to the wisdom of adding to present indebtedness with the view of effecting future economies. There is need for intelligent educational effort in that community to demonstrate the unwisdom of the policy of saving at the spigot and wasting at the bung-hole.

NOTES AND EVENTS

The First Decade in Dayton.—Dayton, as have other Ohio cities, has been suffering from the unwise state laws governing municipal finance, and her difficulties, although not as serious as those of many others, have been used as arguments against the city manager form of government. Extremely illuminating, therefore, is the report on the first ten years of the manager plan in Dayton, recently made public by the Dayton Research Association, Arch Mandel, director.

Regarding the old form, replaced by the charter which went into effect in 1914, the Research Association says:

> Dayton had the common political experience of all American cities. Its government was purely political, being considered merely a subdivision of the national party organizations, and, as such, its primary reason for existing seemed to be the furnishing of jobs to the key men of the 'in' political party so that the organization might be strengthened thereby.
>
> The victorious party at the polls emptied the offices of those who held jobs by political preferment only to fill them with its own faithful. Qualifications for positions were of secondary consideration.
>
> Responsibility for getting things done was divided between the mayor and the council and when—as it too often happened—the executive and a majority of council were of opposing political faiths, the community paid the penalty.
>
> The appellation 'government by deficit' applied to the administration of Dayton's affairs characterizes the kind of government the city had.

Of the experience under the new system the Research Association says:

> The first 10 years' operation of the city manager plan in Dayton has brought the city good government. Due credit must be given the charter for providing machinery that promoted rather than hindered the rendering of service.
>
> Credit must also be given the capable and conscientious public employes who have used the machinery to its greatest capacity for giving good public service. More has been expected of this type of government than of the old form and more has been given the people.
>
> A quality of service unhoped for under the old régime and that would have been received with gratitude has been taken as a matter of course under the city manager administration.
>
> And on its part the administration has been sensitive to the interest of the public and has been responsive to the public's demand.

✠

San Francisco's Imperfect Budget System.—According to *The City*, the publication of the San Francisco Bureau of Governmental Research, the city has a true budget system in form only. For example, the budget contains no estimate of revenues, appropriations are often made in large lump sums which are meaningless, and adequate accounting control is absent. Furthermore, the budget does not contain all the estimated expenditures. The budget for 1924–25 amounts to something over $27,000,000 while the estimated expenditure program amounts to more than $43,000,000.

✠

Veteran Preference in the Federal Service.—*The Federal Employee*, the organ of the National Federation of Federal Employees, announces that one-seventh of the total civil service employees of the national government are now veterans of the late war. Approximately 83,000 of these veterans, entitled to preference under the acts of March 3 and July 11, 1919, have been appointed to positions in the classified civil service.

During the past three years an average of 30 per cent of all appointments have gone to veterans.

Under the regulations promulgated by the president to carry out the spirit of the law, disabled veterans have ten points added to their earned ratings, and veterans not disabled have five points added. This means that a disabled veteran need earn a rating of but 60 per cent in order to get on the register, and a veteran not disabled need earn a rating of but 65 per cent, whereas for non-veterans the minimum requirement is 70 per cent.

✠

Manager Government May Mean Lower Taxes.—Berkeley, California, is profiting from manager government. After one year's experience she has reduced her tax rate. This is not always a notable feat, although one usually welcomed by tax payers. When it is recalled, however, that during the past year Berkeley suffered a devastating fire with a consequent reduction in taxable wealth, that the pay of her firemen has been increased and that expensive public improvements have been undertaken to increase the protection against future fires, it is evident that the city's business has been administered with ability and economy. *The Berkeley Gazette* places the responsibility for this pleasant situation upon an intelligent city council and an efficient manager.

Santa Barbara is another California city which is happy under the manager plan. The budget submitted by the manager for the coming year lops off $34,000 from the operating cost of the municipal government over the first year. This was possible through the economies resulting from a reorganization of the administrative departments.

*

Austin, Texas, adopted the manager plan of municipal government in August. The majority was close in an election which was the heaviest in the history of charter elections in Austin. The terms of office of the members of council under the new system will begin on May 1, 1925.

*

American Civic Association Notes

Annual Meeting and Park Conference.—The annual meeting and park conference of the American Civic Association, including joint sessions with the American Institute of Park Executives and the American Park Society, will take place in Washington, October 7, 8, 9, 1924, with headquarters at the New Willard Hotel.

The joint session on Tuesday evening, October 7, will be devoted to the parks of the National Capital and the aims and purposes of the New Capital Park Commission. On Wednesday there will be a joint session in the morning on playgrounds and recreation, including a paper on "The Proper Location of Playgrounds in Relation to Parks." Luncheon will be served under the trees at the Arlington Experiment Station and the afternoon devoted to a trip to the parks and public grounds of Washington. In the evening there will be a session devoted to national parks and forests.

On Thursday morning three interesting round-table discussions are scheduled—"Park Commissions *vs.* Park Departments," "What are Proper Park Uses?" and "Minimum Essentials for Park Reports." The conference luncheon will be devoted to "Parks and Land Values" and "Parks and Human Values." The annual meeting of the association will take place in the evening.

Two New Bulletins Announced.—Dr. Richard T. Ely, director, Institute for Research in Land Economics and Public Utilities, and professor of economics in the University of Wisconsin announces the publication of a new magazine of 128 pages to be issued quarterly and to be called the *Journal of Land and Public Utility Economics.* The *Journal* is to be devoted "to the economic aspects of the utilization of land and the regulation and administration of public utilities." The aim is "to contribute to the progressive discovery and formulation of the economic principles governing the utilization of land and the mangement of public utilities."

The National Conference on Outdoor Recreation called by the President last May resulted in a permanent organization, with Chauncey J. Hamlin of Buffalo, New York, as chairman and L. F. Kneipp of the Forest Service as executive secretary. The first *Bulletin* appeared on September 1, 1924, and will be succeeded by others.

Better Homes in America.—The contest conducted by Better Homes in America in 1924 resulted in a marked improvement in the quality of the demonstrations over previous years. The first prize was won by Kalamazoo, Michigan, under the chairmanship of Dr. Caroline Bartlett Crane, who supervised the building of a special house which incorporated many modern ideas for convenience and comfort in living. The house cost $6,500, but the committee explained how the cost could be cut to $5,300 if certain luxuries of finish were omitted. Both prices include cement walks. Not only was the house itself a contribution, but the educational accompaniments were far-reaching. The work of the children in the schools in devising possible furnishings and hangings will certainly bear fruit when those same children furnish their own homes in the future.

The
ADMINISTRATION OF GASOLINE TAXES
in the
UNITED STATES

By
JAMES W. MARTIN
Emory University

The gasoline tax is as popular as a tax could be and the expenses of collection are small; exemptions have made trouble.

Supplement to the
NATIONAL MUNICIPAL REVIEW
OCTOBER, 1924. Vol. XIII, No. 10

PUBLISHED BY
NATIONAL MUNICIPAL LEAGUE
261 Broadway, New York

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THE ADMINISTRATION OF GASOLINE TAXES IN THE UNITED STATES

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The gasoline tax is as popular as a tax could be and the expenses of collection are small; exemptions have made trouble. :: :: ::

In the United States at the present time there are thirty-six states[1] and the District of Columbia[2] which have gasoline taxes. These are excise taxes on gasoline and other liquid fuels designed to fall on the ultimate consumer and levied at a specific rate per gallon of fuel. They are imposed in various ways but usually on the sale of the fuel at some particular stage in the productive process. In a few instances, they are levied on the consumption of the fuel where no taxable sale occurs. The rates and administrative provisions of the various laws are summarized in Table I.

The design of the statutes is to force motorists, who are the principal users of gasoline, to pay a tax as nearly as may be in proportion to their use of the public roads. In keeping with this idea, most of the states segregate the funds for the use of the state and local highway agencies in building and maintaining the public roads. The details with respect to the provisions of the laws in these and other matters of a fiscal nature have been discussed elsewhere.[3]

It is the purpose of this study to investigate the administrative provisions of the laws and the experience of various states in carrying out these provisions to the end that constructive suggestions may be made. Perhaps in any administrative activity, economy is the most significant single criterion of the success of the activity. This, presumably, is particularly true in the case of tax administration, since the primary object is to secure revenue. However, it is also important that it be of such character as to secure the cooperation of the taxpayers and to reduce the inconvenience attendant upon the payment. Reduction of the inconvenience means that the actual burden of the tax is lessened. These are perhaps not the only important criteria of success in tax administration, but they are everywhere recognized as essential; and they seem to be the only ones in this case to which objective tests may be applied.

COST OF ADMINISTRATION

Determination of the cost of administration is itself a very difficult task for a number of reasons: (1) Except in a very few cases, there are no published records available; and, where they are available, they are usually inadequate. (2) Personal correspondence with officers in charge of administering the taxes had to be relied on for the most part. The data furnished

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[1] The law in Massachusetts is suspended pending a referendum. It is included in the total given.

[2] Which is, for convenience, referred to as a state.

[3] James W. Martin, *The Gasoline Tax, Bulletin* of the National Tax Association, December, 1923, pp. 73–87.

TABLE I—RATES AND ADMINISTRATIVE PROVISIONS OF THE LAWS

State	Cents a gal.	Administered by	Paid in by	Reports required	Exemptions	Fuel taxed	Penalties
Alabama..........	2	Tax commission	Wholesaler or retailer	Mo.	None	Liquid fuels save kerosene and others	Injunction against selling
Arizona..........	3	Secretary of state	Manufacturer or importer	Mo.	Other than use in motor vehicle	Distillates from crude petroleum for motors	Fine, imprisonment or both
Arkansas..........	4+ 10c on oil	Auditor	Manufacturer or importer	Mo.	Other than use in motors on road	Liquid fuels	Fine
California..........	2	State board of equalization	Manufacturer or importer	Quar.	Other than use in motor on roads; use by R. F. D. carriers	Liquid fuels save kerosene	Fine, imprisonment or both
Colorado..........	2	State oil inspector	Retailer	Mo.	Other than motor vehicles	Liquid fuels save kerosene and others	Fine, imprisonment or both
Connecticut..........	1	Commissioner of motor vehicles	Manufacturer or importer	Mo.	Other than motors on roads; certain others	Liquid fuels	Fine
District of Columbia..	2	Assessor of District of Columbia	Importer	Mo.	Other than used on road	Liquid fuels save kerosene	As provided by law
Delaware..........	2	Treasurer	Manufacturer or importer	Mo.	Other than used on road	Liquid fuels save kerosene	Fine, imprisonment or both
Florida..........	3	Comptroller	Manufacturer or importer	Mo.	None	Gasoline	Fine and possible revocation of license
Georgia..........	3	Comptroller	Manufacturer or importer	Quar.	None	Liquid fuels save kerosene	As other misdemeanors
Idaho..........	2	Commissioner of Law enforcement	Manufacturer or importer	Mo.	None	Petroleum fuels save kerosene and others	Double tax and injunction against selling oils in state.
Indiana..........	2	Auditor	Retailer	Mo.	Other than use in vehicles on roads	Petroleum fuels save kerosene and others	Fine
Kentucky..........	1	Tax commission	Retailer	Mo.	None	Liquid fuels save kerosene and others	20% plus usual penalty for tax evasion
Louisiana..........	2	Supervisor of public accounts	Manufacturer or importer	Mo.	None	Liquid fuels	Delinquency, 10%+2% a mo.; no rep., cost of exam.; perjury as usual
Maine..........	1	Auditor	Manufacturer or importer	Mo.	None	Liquid fuels save kerosene and others	Fine
Maryland..........	2	Comptroller	Manufacturer or importer	Mo.	Other than use in motors on roads	Liquid fuels save kerosene	Fine, imprisonment, or both
Massachusetts.......		Suspended pending referendum					

TABLE I—RATES AND ADMINISTRATIVE PROVISIONS OF THE LAWS

State	Cents a gal.	Administered by	Paid in by	Reports required	Exemptions	Fuel taxed	Penalties
Mississippi	3	Auditor	Wholesaler or retailer	Mo.	None	Liquid fuels	Fine
Montana	2	Board of equalization and treasurer	Manufacturer or importer	Quar.	None	Gasoline and distillate	50% of tax
Nevada	2	Tax commission	Manufacturer or importer	Mo.	Other than use in motors on roads	Liquid fuels save kerosene	Suit for tax
New Hampshire	2	Commissioner of motor vehicles	Retailer	Mo.	Other than for motors on roads	Liquid fuels	Fine
New Mexico	1	Auditor	Wholesaler or retailer	Mo.	None	Liquid fuels	5% of tax +1% a mo.
North Carolina	3	Secretary of state	Wholesaler or retailer	Mo.	None	Liquid fuels	Fine, imprisonment or both
North Dakota	1	Tax commission	Manufacturer or importer	Mo.	None	Gasoline	5% of tax: 1% mo. Fine, imprisonment or both
Oklahoma	2½	Auditor	Consignee receiving oil subject to inspection	Mo.	None	Petroleum motor fuels	Fine, imprisonment or both
Oregon	3	Secretary of state	Manufacturer or importer	Mo.	Other than use in motors on roads	Liquid fuels save kerosene	Fine, imprisonment or both
Pennsylvania	2	Auditor-general	Retailer	Quar.	None	Liquid fuels	Fine, imprisonment or both
South Carolina	3	Tax commission	Wholesaler or retailer	Mo.	None	Liquid fuels	Fine, imprisonment or both
South Dakota	2	Auditor	Manufacturer or importer	Mo.	Other than use in motors on roads	Liquid fuels save kerosene	Fine, imprisonment or both
Tennessee	2	Commissioner of finance and taxation and comptroller	Manufacturer or importer	Quar.	None	Gasoline and distillate	50% of tax due
Texas	1	Comptroller	Manufacturer or importer	Mo.	None	Gasoline	Fine and inst. at 8%
Utah	2½	Secretary of state	Manufacturer or importer	Mo.	None	Liquid fuels save kerosene and others	Fine, imprisonment or both
Vermont	1	Secretary of state	Manufacturer or importer	Mo.	None	Liquid fuels save kerosene	Fine
Virginia	3	Secretary of commonwealth	Manufacturer or importer	Mo.	Other than use in motor. That used by government	Liquid fuels save kerosene	All remedies available for any tax
Washington	2	Director of licenses	Manufacturer or importer	Mo.	None	Liquid fuels save kerosene	Those of gross misdemeanor
West Virginia	2	Tax commission	Manufacturer or importer	Mo.	None	Liquid fuels	Fine, imprisonment or both
Wyoming	1	Treasurer	Manufacturer or importer	Mo.	None	Liquid fuels save kerosene	Fine, imprisonment or both

by one official are not always comparable with those of another, because different accounting systems may be used; different forms of reporting may be employed; different distributions of overhead expense are necessary; or some other phases of the officials' background are unlike. (3) Most offices having charge of the administration of this tax have also certain other functions to perform and find it impossible to allocate accurately the cost of this particular activity.

It will be understood, therefore, that the results obtained are largely estimates. The basis of this discussion, unless otherwise credited, is the statutes, reports of state officials, correspondence with officers in charge of the administration of the laws, with other state officers, especially tax commissions and highway departments, and

TABLE II

The Cost of Administration

States	Rate, Cents a Gal.	Average Revenues per Mo.	Expense of Administration per Mo.	Per Cent of Revenues Spent for Collection	Months Rate was Effective
Alabama	2	$113,308.55	$1,600	1.4	10
Arizona	3	56,146.14	280	0.5	6⅔*
Arkansas	3	121,919.99	991	0.8	9*
California	2	839,631.00	2,000	0.2	3
Colorado	2	99,570.96	498	0.5	5*
Connecticut	1	73,351.89	1,467	2.0	12
Delaware	1	10,629.51	50	0.5	8⅓
Florida	3	205,130.28	250	0.1	6*
Georgia	3	250,417.25	200	0.1	3*
Idaho	2	44,054.13	735	1.2	9
Indiana	2	415,204.04	579	0.1	7
Kentucky	1	56,702.94	930	1.7	12
Louisiana	1	62,853.15	625	1.0	12
Maine	1	49,752.52	40	0.1	5¾
Maryland	1	57,358.50	50	0.1	12
Mississippi	1	38,989.96	250	0.6	12
Montana	2	73,541.52	200	0.3	6*
Nevada	2	12,411.78	75	0.6	9⅔
New Hampshire	1	27,177.27	25	0.1	6
New Mexico	1	13,750.00	400	2.9	12
North Carolina	3	429,987.39	300	0.1	9*
North Dakota	1	38,423.48	167	0.4	12
Oklahoma	1	99,833.33	857	0.9	6
Oregon	3	189,497.52	341	0.2	7*
Pennsylvania	2	610,169.18	4,250	0.7	6*
South Carolina	3	141,689.31	242	0.2	9⅓*
South Dakota	No information obtainable.				
Tennessee	2	90,250.74	1,083	1.2	9
Texas	1	187,018.98	325	0.2	6⅔
Utah	2½	41,801.98	125	0.3	9⅔
Vermont	1	18,685.87	35	0.2	9
Virginia	3	259,486.83	325	0.1	6
Washington	1	102,995.80	300	0.3	12
West Virginia	2	122,463.00	667	0.5	3
Wyoming	1	15,573.40	150	1.0	9

* In these states there was a change in rate during the year. The monthly average here was obtained as indicated in the following example. In Georgia the rate was one cent for nine months and three cents for the last three months. This is equivalent to a three-cent tax for six months. To get the monthly average which a three-cent tax would yield, therefore, divide the total revenue by six.

with the bureau of public roads of the United States department of agriculture. The statistics of yield have been supplied by the bureau of public roads. These statistics have been furnished for the whole year or that part of it during which a liquid fuels tax was levied; whereas actually there were, in a good many cases, changes in rates during the year. Since data with respect to collections by months are not available, the best estimate possible is to regard each month's collections as being as large as those of each other month. This is not quite accurate, because, in many states, the bulk of the tax is paid in the summer months. In most instances, it is not a very serious source of error because part of the summer is usually included with that part of the year in which the higher rate was levied, and part of it is excluded; thus a balance is secured.

In the accompanying table are shown the rates,[4] average revenues per month, and the best possible estimate [5] of the average expenses of administration per month. This expenditure for collection is also expressed in terms of a percentage of the total amount collected a month. Even where it is possible to do so, these percentages have not been stated to a greater degree of accuracy than tenths of one per cent, because it is impossible to do so in all but a few cases. The estimates of expenses of administration in each case have included not only such direct costs as salaries of officials and employees, but also overhead items such as rents for offices and other necessary equipment.

EFFECT OF RATES ON EFFICIENCY OF ADMINISTRATION

In the case of most taxes, experience teaches that the higher the rate, other things the same, the greater the difficulties of administration. In the case of the general property tax, for example, the administrative phase of the taxing problem was formerly not considered important. No serious attention was given to it in either legislation or the literature of the period prior to the last decades of the nineteenth century. As rates rose, however, the inequalities already in the tax became more and more pronounced. The rise in rates not only increased the incentive to additional evasion, but caused the old elements of inequity to be more severely felt. All this made necessary marked increases in the cost of administration.

Even in indirect taxation, such for instance as customs, it was a principle familiar to Adam Smith that a high duty tended to cause an increase in smuggling. In general, it is true that a high tax rate means more effort on the part of the government to enforce the levy; otherwise the enforcement degenerates.

As yet, however, no evidence whatever has been obtained which indicates that this is true of the gasoline tax. That is to say, the evidence tends to show that the tax is just as easily collected when it is three cents as when it is one; and so, when rates are raised, there has consequently been a somewhat proportionate decrease in the percentage cost of collection. In cases where states have raised rates, there have been no increases in aggregate administrative costs. The average cost of the administration of the laws in those fifteen states[6] which levied a one-cent tax at the close of 1923 was 0.74 per cent of the revenue collected. In those eleven states[7] which levied a two-cent tax the average percentage was 0.67 per cent. In those eight states[8] which levied three-cent taxes the average percentage was 0.26 per cent. In Utah, where the rate was two and one-half cents a gallon, the cost of administration was 0.30 per cent of the revenue.[9]

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[4] The rates given are for the last months of the year. Where there was a change in rate during the year, the average was calculated as indicated in the note with the table.

[5] Based primarily on statements of cost made by officers of administration. Some of these were inadequate and had to be supplemented by information obtained through correspondence with others and (to a certain degree) from guesswork. This paper, however, would have been an impossibility but for the co-operation of the officers in charge of the administration of the gasoline taxes.

The explanation of the fact that the average percentage of cost for those states having a two-cent rate fails to harmonize with the statement above is that this group contains the sparsely settled mountain states[10] and Alabama and Pennsylvania. In the mountain states the expenses are naturally greater (other things equal) because of greater traveling expenses and other costs in checking on oil companies. Alabama and Pennsylvania are inefficient because (among other things) they violate the well-known maxim of commodity taxation: "Tax at the point of greatest concentration."

HIGH RATES AND COSTS OF COLLECTION

From the above it would follow that expenses of collecting the gasoline taxes are distinctly less per unit of revenue in those states which levy a high rate. That is, there is a strong case, on purely administrative grounds of economy, for a two- or three-cent rate rather than a lower one. Owing to the relatively low administrative cost of even the one-cent taxes, however, this is not a conclusive argument. There are, as a matter of fact, sound reasons for the same conclusion from the point of view of taxation theory except for those states which do not need the revenue for their highway programs. These will not be presented here, however. It ought to be pointed out, though, that if the tax were excessively high, there would doubtless be more evasion, which would involve more administrative costs. There is no empirical evidence as to the exact point at which the tax would begin to involve such difficulties, but it seems probable that there would be danger of trouble if the rate were considerably above three cents. The Arkansas experiment at a four-cents-a-gallon rate will furnish some evidence when it has been effective for a long enough time to serve as a useful indication of the possibilities.

For the most part, there seems to be relatively little popular opposition to gasoline taxes. From every section of the country, letters have come saying that there was absolutely no objection to the laws. So far as concerns opposition on the part of the ultimate tax-bearer, none whatever has been found in any state after the laws have been under way for some time. It would appear on *a priori* grounds that dissatisfaction would be more likely when rates were high.

OFFICES IN CHARGE OF ADMINISTRATION

The laws that have been passed are administered by various officials in the several states that have enacted them.

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[6] Connecticut, Delaware, Kentucky, Louisiana, Maine, Maryland, Mississippi, New Hampshire, New Mexico, North Dakota, Oklahoma, Texas, Vermont, Washington, and Wyoming.

[7] Alabama, California, Colorado, Idaho, Indiana, Montana, Nevada, Pennsylvania, South Dakota, Tennessee, and West Virginia.

[8] Arizona, Arkansas, Florida, Georgia, North Carolina, Oregon, South Carolina, and Virginia.

[9] The District of Columbia law was not effective till 1924.

[10] The reason for this is made clear in James W. Martin, *The Gasoline Tax, Bulletin* of the National Tax Association, December, 1923, pp. 76–77.

Eight states [11] entrust their administration to state tax commissions; eight [12] to state auditors; six [13] to secretaries of state; four [14] to comptrollers; two [15] to treasurers; two [16] to commissioners of motor vehicles; and one to each of the following: [17] state oil inspector, assessor of taxes, supervisor of public accounts, board of equalization, commissioner of law enforcement, commissioner of finance and taxation, and director of licenses.[18] The number [19] of states in which the administration is in the hands of any one kind of office is too small to give any significant statistical indication as to the efficiency of the administration. There seem to be no other grounds on which it is possible to get empirical evidence on this point. *A priori* it would appear that the tax commission should be best able to handle the thing. The tax commission is organized for the purpose of administering tax laws and studying tax problems, and no good reason is apparent why that body should not have in its hands the carrying out of the provisions of all such statutes. Since they specialize in providing tax machinery, it would seem that in the long run they should be able to do the work with less expense to the state than could any other agency.

Theoretically it seems that the auditor should not under any circumstances be charged with this task. His office is presumably created to represent the legislature in exercising accounting control over various administrative state officials, and therefore is itself not to be regarded as an administrative organization in the usual sense. To charge it with the collection of the gasoline tax is to give it ordinary administrative duties inconsistent with its function of performing an *outside* audit on behalf of the legislature.

It should be emphasized, however, that excellent results are, in actual practice, being obtained by other administrative agencies than the tax commissions. It would perhaps be unwise to effect reorganizations in those states that have economical administration through some other office unless the whole administrative system were reorganized. A change of this piecemeal character might cost more than it would save, even in the long run. This is particularly true of those states that anticipate an early more or less complete reorganization of the whole administrative machinery.

INTERNAL ORGANIZATION FOR ADMINISTRATION

In most states the task of the administration of the liquid fuels taxes is so simple as to require little special organization for the purpose. In nineteen states [20] no formal organization whatever exists. In four others[21] there is only one full-time employee—with a small amount of aid from other clerical workers in three cases. In some other states, there is a more formal organization. In Alabama there are two traveling inspectors and four clerks in the office of the state tax commission whose duty it is to check returns. In Arkansas are one chief clerk and three other clerks, who give the work full time. Occasionally others are employed for particular purposes. In Connecticut there are two part-time inspectors. Idaho employs a director of the motor vehicles fuels bureau, a traveling auditor and a stenographer. In Indiana there is only a "chief clerk" and a stenographer who give their time to the gas tax. In Louisiana there are a traveling inspector and a clerk who is called a "stenographer and bookkeeper." New Mexico calls the employees who handle the work a "gas collector" and an "office clerk." Oklahoma employs a large group of workers, namely, an auditor, a bookkeeper, two field men, and a stenographer who serves also as a filing clerk. In the office of the auditor, Pennsylvania has a chief of the bureau and thirteen clerks, and the treasury department employs a similarly large force of workers. Two clerks are employed for this purpose in Virginia. In West Virginia there is a deputy giving the work his full time. He is assisted by half-time work of a stenographer and of a traveling auditor.[22]

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[11] Alabama, California, Kentucky, Massachusetts (law now suspended pending referendum), Nevada, North Dakota, South Carolina, and West Virginia.

[12] Arkansas, Indiana, Maine, Mississippi, New Mexico, Oklahoma, Pennsylvania, and South Dakota.

[13] Arizona, North Carolina, Oregon, Utah, Vermont, and Virginia.

[14] Florida, Georgia, Maryland, and Texas.

[15] Delaware and Wyoming.

[16] Connecticut and New Hampshire.

[17] In Colorado, District of Columbia, Louisiana, Montana, Idaho, Tennessee, and Washington, respectively.

[18] See *Bulletin* of The National Tax Association, December, 1923, p. 82.

[19] The diversity of organization is really greater than is indicated, for in several cases the officer named actually co-operates with some other officer of the state or, in one case, of the counties.

[20] Arizona, California, Colorado, The District of Columbia, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Montana, Nevada, New Hampshire, North Dakota, Oregon, Utah, Vermont, Washington, and Wyoming.

The simpler organization is certainly cheaper if the cost is thought of in terms of a percentage of the tax collected. But it is not known whether there is more evasion in those states where the administration does relatively little in the way of checking up on reports. The investigations it has been possible to make indicate that the oil companies find it cheaper to pay than to evade the tax in any event.[23] It would seem that the best means of securing efficiency would be to have books of oil dealers checked only occasionally. Obviously, there is no means of avoiding the necessity of going over the reports after they are received in the offices each month—or quarter, as the case may be. The director of licenses in Washington recommends a semi-annual audit.

Of all the states that have gasoline taxes, only California, Colorado, and Maryland have civil service laws. This is not a large enough number to indicate very much, but it is interesting to observe that all three of these states have low costs of administration—only two-tenths of one per cent, five-tenths of one per cent and one-tenth of one per cent, respectively. And Maryland had only a one-cent tax! It would be interesting to compare the fiscal results obtained in those states having and those states not having an organized civil service were there sufficient cases to make such a comparison have any meaning.

COLLECTION FROM MANUFACTURER OR IMPORTER VS. COLLECTION FROM RETAILERS

In commodity taxation there are two fundamental and sometimes conflicting administrative principles: "Collect at the point of greatest concentration within the taxing unit," and "Collect as near to the ultimate consumer as possible, thus avoiding the expenses of shifting the tax." Both these principles, while theoretical, are very practical working principles, provided they are not *slavishly* followed. The former means economy in the administration of the tax, while the latter means economy for the *taxpayer* in collecting the tax from the real *taxbearer*. Both are important, the former because it saves money for the state directly, and the latter because it requires the ultimate taxbearer to pay only approximately the amount the state enjoys as revenue.

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[21] Mississippi, North Carolina, South Carolina, and Texas.

[22] In a few cases, it was impossible to get information concerning details of internal organization.

[23] Mr. T. Warren Allen of the federal bureau of public roads says in a letter (January 9, 1924) that, "The general concensus of opinion is that the gasoline tax is one of the easiest taxes to collect and probably the least evaded."

But, in the case of gasoline taxation, there is a conflict. The point of greatest concentration within the state is that point at which it comes into the state, namely in the hands of the importer or manufacturer, whereas the retailer is closest to the ultimate consumer, and might be thought to be the party on whom the tax should be levied if the second maxim were followed. Hence the difficulty. In this case, however, it seems perfectly clear, on both theoretical and practical grounds, that it is wisest to tax at the point of greatest concentration rather than to attempt to levy on the retailer because he is nearer the consumer. The cost of collecting from the importer or refiner is obviously very much lower than the cost of collecting from the almost innumerable host of retailers. But the demand for gasoline is very inelastic within ordinary ranges of price,[24] and there is no further change in form, so that when the tax is levied, it is not difficult to pass it on indefinitely simply by adding it to the price of the oil. That is, in this case, because small changes in price involve little or no change in demand, the maxim that would lead to levying the tax on the retail sales is of no import. It is usually less important than the other.

But on practical grounds the case is even stronger. When gasoline tax laws were passed in Colorado, Kentucky, New Hampshire, North Carolina, and Pennsylvania, it was provided that collections should be made from the retailers. In Alabama, New Mexico, South Carolina, Indiana, and Mississippi, it was provided that the tax might be paid by *either* importer or retailer. But the large oil companies desired to get the business of the small retailers, and the latter desired to avoid the inconvenience of having to pay the tax. So that, by means of gentlemen's agreements between the state officials on the one hand and the oil dealers concerned on the other, it was arranged that the large importing or refining companies should assume the tax for the small retailers. This reduced the difficulties of collection for the state and also for the dealers, and everyone was satisfied. Of those states which provided that all collections should be from the retailers, only Pennsylvania, seemingly, attempts actually to follow that plan. Of the other group, both Alabama and New Mexico seem to continue to check directly on the retailers.[25] After having changed the method of administration *in practice*, as indicated, Colorado and North Carolina changed the provisions of their statutes, but the other states continue to operate under the gentlemen's agreements, and there is no difficulty, even though the law remains as before. Some of the tax is paid by dealers without the state.

FREQUENCY OF REPORTS

In California, Georgia, Montana, Pennsylvania, and Tennessee, dealers must make quarterly reports of the amount of fuel sold. In California they are made within twenty days from the close of the quarter, and, in the four other states, within thirty days. In all other states reports are required monthly in from one to forty-five days from the end of the month.

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[24] James W. Martin, *The Gasoline Tax, Bulletin* of the National Tax Association, December, 1923, p. 75.

[25] Information here, however, is incomplete.

Five states are a very small number to give any significant statistical indication of what might be expected *in general.* A comparison of the costs in those states which require quarterly and those which require monthly reports indicates that there is little difference in administrative costs. Apparently there could be no administrative advantage in having monthly rather than quarterly reports. In the long run, there is *a priori* ground for the belief that a quarterly basis would be slightly less expensive than a monthly report requirement because it would reduce the number of dealers' statements to be examined and hence the number of bookkeeping entries to be made. On the other hand, the monthly report and tax payment has the advantage of bringing in revenues more regularly. In neither direction is very much gain to be expected.

All states, except California, Connecticut, Maine, New Hampshire and North Dakota, require that the remittance covering the amount of tax due be sent at the same time as the report. In California, although the report is due in twenty days, there are forty days in which to pay the tax, while in Connecticut, Maine and New Hampshire the reports are due by the fifteenth of the succeeding month, but the tax is not payable until the end of the succeeding month. In the District of Columbia, the report is made to the assessor and remittance to the collector at the same time.

There is no apparent reason for making reports and remittances separately because this doubles the amount of checking, correspondence and bookkeeping. For this reason, too, it seems best to entrust the entire administrative machinery to one office rather than having two or three involved as certain states do.[26]

EXEMPTIONS AND THE ADMINISTRATIVE DIFFICULTIES INVOLVED

The gasoline tax is justified by its proponents on the ground that it is a method that enables the government to tax the highway users more nearly in proportion to the amount of service rendered than can be done by any other method. That is to say, those motorists who are taxed thus pay only when using the roads and pay approximately in proportion as their vehicles wear out the surfaces over which they are driven. If this is the basis of the tax, there can be no theoretical justification for the taxation for highways of the sale of such liquid fuels as may be used to furnish power for a manufacturing plant, to clean clothes, to propel a tractor on a farm, to turn the farmer's grindstone or washing machine, or to provide illumination for the homes of the poor. Consumption of gasoline for such purposes as these does not in any sense measure the use that is made of the highways. The taxation of the gasoline used for these things involves an injustice to those taxed and it may also arouse opposition to the tax which the administration can meet only with great difficulty. That is, such taxation may be bad policy as well as bad principle.

On the other hand, one would

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[26] For example, California, where assessments are made by the state board of equalization and collections by the comptroller; Pennsylvania, where the auditor-general and treasurer both maintain large staffs; or Tennessee where the commissioner of finance and taxation and the comptroller are both involved in the work.

imagine that the exemption of gasoline used for other purposes might lead to rather serious administrative difficulties, not only in that it would involve more accounting than would be necessary without such exemption but also in that it would lead to attempts to evade the law. For instance, it might lead to one's buying gasoline by the barrel, claiming exemption on the ground that the fuel would be used to run his stationary engine, but later using half of it in his automobile. Exemption from the tax of gasoline used for other purposes would undoubtedly lead to such difficulties. If the illegitimate evasion because of the attempt to treat all fairly became considerable, it may well be argued that more evil would be created than would be cured. The evil would consist in the inequality of the burden on those who paid their full shares as compared with those who dishonestly eluded the tax collectors as well as in the evil social effects from encouragement of dishonesty.

Looking at the injustice that may be caused by failure to provide for exemptions on the one hand and at the dangers involved in making such provisions on the other, the legislatures face an embarrassing dilemma. But this is not all of the difficulty for, if there are to be exemptions, it is necessary to decide *what* they are to be. And this is a harder question than it would at first thought appear to be, as the floundering of legislatures in the past clearly shows.[27]

As a matter of history, twenty-three states [28] originally took the easy path of providing for no exemptions whatever. In later amendments, however, Arizona, Arkansas, and Washington have incorporated exemption provisions. The remaining states [29] made exemptions of certain uses.

These exempt uses vary widely from state to state. Essentially, however, the exemption is made in order to tax only those who use the highways.[30] In practice it may, therefore, be said that a majority of the states have preferred to commit the injustice involved in taxing all alike rather than risk the evils that may follow provision for exemption of those who purchase gasoline for other uses than propelling automobiles and trucks, but that this majority is diminishing.

EFFICIENT STATES PERMIT EXEMPTIONS

A study of the list of states which make provisions for exemptions indicates that a very large percentage of those which have good general administrative systems are included in this group. For example, all of those states which have civil service laws (and also gas taxes) are in this list. The states exempting no industries whatever include a large percentage of those which have less efficient administrative systems (although, of course, they include also some of the most efficient). This is clearly indicated by the fact that, as measured by their financial efficiency in carrying out the gas tax laws, the first group, despite the added costs of accounting for the refunds, is on the average able to carry on the administrative machinery at about fifteen per cent less cost than the second group. It is no doubt wise that the efficient states provide exemptions while the inefficient do not, for the evil of evasion would probably be serious in the states which could not provide good administration, while, on the other hand, those states which have good administrative systems by this provision avoid the unjust taxation of persons who do not use fuel on the roads. It may be said then that the least injustice will probably be done if those states having an efficient administrative system provide for exemptions and those which cannot yet boast highly effective administration tax all gasoline regardless of where it is used.

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[27] This diversity has been discussed in the article previously referred to in the *Bulletin* of the National Tax Association, December, 1923.

[28] Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maine, Mississippi, Montana, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia and Wyoming.

[29] California, Colorado, Connecticut, District of Columbia, Delaware, Idaho, Indiana, Maryland, Massachusetts, Nevada, New Hampshire, Oregon, South Dakota, and Virginia.

[30] Details are given in the *Bulletin*, December, 1923.

It may be further urged that, when good administration cannot be attained, it is wise to attempt no provision for exemption because: (1) It will thus be made easier to enforce the law impartially; (2) the evils of evasion and consequent inequality will be avoided, or largely so; and (3) it is true that in most states only a negligible portion of all the gasoline sold is used for other purposes than those that are taxable under the most generous of the laws. In the few states granting exemptions from which statistical information has been obtained, the amount of the refund varies from one-half of one per cent to about six per cent of the total amount collected. Unless very good administration can be had less total injustice will result from taxing this small minority unfairly than from remitting their tax at the accounting expense involved and at the risk of evasion through the means already suggested.

EXEMPTIONS TAKE FORM OF REFUND

In all these states, except Arizona, which *do* provide for the exemption of certain industries from the operation of the law, the exemption is administered by means of a refund provision. That is, the tax is paid on such gasoline as on all other, but the consumer may have a refund by claiming it in a sworn statement presented within a prescribed length of time, varying from thirty to ninety days in the different states. In the Arizona law (1923 revision), it is provided that this claim for exemption shall be made at the time of purchase from the wholesaler, who shall present the affidavit of the consumer with his own report at the end of the reporting period. He deducts such gasoline from the total sold to determine the amount of tax due. This is an interesting means of making it impossible for those who purchase from retailers to obtain exemption, regardless of the use made of the fuel.

The officials in charge of the administration in Tennessee and Virginia say the provisions for exemption give trouble. The commissioner of finance and taxation in Tennessee would have it abolished, and the secretary of the commonwealth of Virginia speaks doubtfully of the wisdom of such a provision. In Washington, where the provision for refunds has been effective only since January 1, 1924, difficulties are expected, but seem not to give rise to serious apprehensions. Still other states regard this as an expensive provision, but there are several which do not think it unduly onerous. In Delaware the act was not very explicit in its refund provisions, nor in its specification of the methods of handling them, and some questions have arisen in other states which have been troublesome. In West Virginia, for instance, cleaners have complained about the tax, but have, of course, had to pay it, since they are not exempted by the law. That state has one interesting exemption, apparently provided by an order of the tax commissioner rather than in the statute, namely, that "Refiners, wholesalers and jobbers who handle gasoline on which the tax was assumed or paid by the person from whom purchased are entitled to a refund of two cents on each gallon of gasoline used in their own motor equipment and on each gallon lost by leakage and evaporation."[31]

It is interesting to note by way of comparison the concessions which have been made to dealers who account for the tax in certain Canadian provinces. The Manitoba statute provides that "The minister may make such allowance to the dealer for his trouble in so collecting as he may deem advisable by way of commission not exceeding five per centum thereof on the amount of the tax collected and remitted by him as hereinafter provided," and the Quebec act says "The Minister may indemnify the vendor for his trouble in collecting and remitting the said duty." Quebec, according to press reports,[32] has made contracts with the dealers that, in payment for their trouble, they shall be exempt from the tax in so far as the fuel is used by them in making deliveries. This is a significant arrangement in that it represents a step toward rewarding for their trouble those private businesses which withhold taxes or give information at the source.

MISCELLANEOUS PROBLEMS OF ADMINISTRATION

In the statutes themselves all the states include other measures designed to facilitate efficient administration. The most obvious of these is the provision for punishment of the taxpayer for noncompliance with the law. Another provision for the same purpose is that the officers charged with carrying out the law shall in every case have a right to examine the records (books, invoices, etc.) of dealers. Still a third general provision for the purpose of making the law easier to enforce is that giving the state official charged with the duty the power to prescribe reporting forms and require reports. These are the only administrative provisions, not previously discussed, which are incorporated in *every* statute. It is probable that all the states *intended* that the statements required of dealers must be made under oath, but nine states[33] fail to specify this in the act itself.

There are numerous other special provisions in the laws of various states. In many,[34] for example, the administrative officer in charge may prescribe the accounting system of each dealer. In some others[35] the statute itself lays down certain rules which each dealer must follow in his accounting. Another kindred device, employed in several states,[36] is the requirement that the importer or refiner when selling oil must indicate "in a conspicuous place" on the invoice that the tax has been assumed and will be paid within the time permitted by law, or, in the case of certain states in which the tax may be paid by either wholesaler or retailer, *whether* or not the tax has been assumed. Not only must proper invoices be sent, but Oregon and Washington make it mandatory that those selling gasoline must also stick on the containers a certificate that the tax has been assumed. It is made illegal for anyone to accept such a shipment as does not contain this certificate on both the invoice and the containers. With respect to the certificate on the invoice, Delaware and Maryland statutes also make acceptance without such a statement a misdemeanor. Certain other states, notably Connecticut and Georgia, definitely require that invoices be kept on file for a specified length of time.[37] This provides a means of readily checking on the wholesaler. Still another device employed by several states [38] is that of making it mandatory on the attorney general to seek an injunction to restrain recalcitrant dealers from selling oil in the state.

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[31] *Rules and Regulations* 6 (b).

[32] *Toronto Globe*, April 3, 1924.

[33] Colorado, Connecticut, Georgia, Maine, Mississippi, Nevada, New Mexico, North Dakota, and Vermont.

[34] California, Montana, Nevada, New Hampshire, North Carolina, Oregon, Tennessee, Utah, and Washington.

[35] South Dakota, Texas, and Virginia.

[36] Arizona, District of Columbia, Delaware, Florida, Maryland, Mississippi, Oregon, Virginia, and Washington.

An administrative tool that has gained wide popularity and that ought to be very effective is the requirement that every dealer shall register. This has been adopted in twenty-one states.[39] It is helpful because it practically forces dealers to notify the state of their existence in the business. Moreover, in Florida, New Mexico and Utah, there is a registration fee which yields some revenue. These fees range in amount from one dollar in Utah to twenty-five dollars for wholesalers in New Mexico.

Besides these various aids to enforcement of the tax, several states have adopted interesting and original plans for avoiding particular difficulties. Arkansas, for instance, seeing the difficulty of enforcing a high tax along state lines,[40] because of the danger of buying from across the state line to evade the tax, has incorporated a provision that dealers along the state lines shall pay the same tax as that paid in the adjoining state (provided there is a city or town across the line that competes with the dealer in Arkansas). They require also that reports contain the name of the purchaser of the gasoline together with such details as the number of the car or truck on which it was shipped. Residents who bring in fuel for their own use are held responsible for the payment of the tax.[41]

In North Dakota [42] the state chemist ascertains the amount of gasoline on which the tax is due when inspecting the oil to insure its purity. The results are sent to the state tax commission which makes the assessment and in turn passes this on to the treasurer. It is his duty to send out bills, which must be paid within a prescribed period. Oklahoma uses a similar scheme in that the state oil inspector reports to the auditor, who in turn collects the tax. These are both clumsy methods, and Colorado has shown the way out for those states which require all gasoline to be inspected. There the tax is collected by the state oil inspector himself when he collects the fee for inspecting the oil, thus eliminating all superfluous machinery.

Finally, a few states attempt to have assistance from common carriers in the collection of the tax. In New Hampshire, for example, the administration may require common carriers, or others, to report the transportation of oil.

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[37] Ranging from one to two years.

[38] Alabama, Colorado, Idaho, Mississippi, New Mexico, and Wyoming.

[39] Alabama, Arizona, California, Connecticut, District of Columbia, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, and Washington.

[40] A number of states, including Indiana, Kentucky, West Virginia, and Pennsylvania, have indicated that one of the serious difficulties of administration was that arising from "bootlegging" along the state lines—that is, bringing in and selling fuel without paying the tax.

[41] A number of other states levy the tax on the sale or *use* of the fuel.

[42] The excise tax here is in lieu of the general property tax and is levied for general purposes.

NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 11 NOVEMBER, 1924 TOTAL No. 101

WHY A NEW GOVERNMENT WAS PROPOSED FOR CINCINNATI

BY WALTER J. MILLARD

This article was written thirty days before the election on the charter amendment on November 4. It describes the atmosphere surrounding the election and prophesies victory for the reformers. City Manager and P. R. are the outstanding features. :: :: :: :: ::

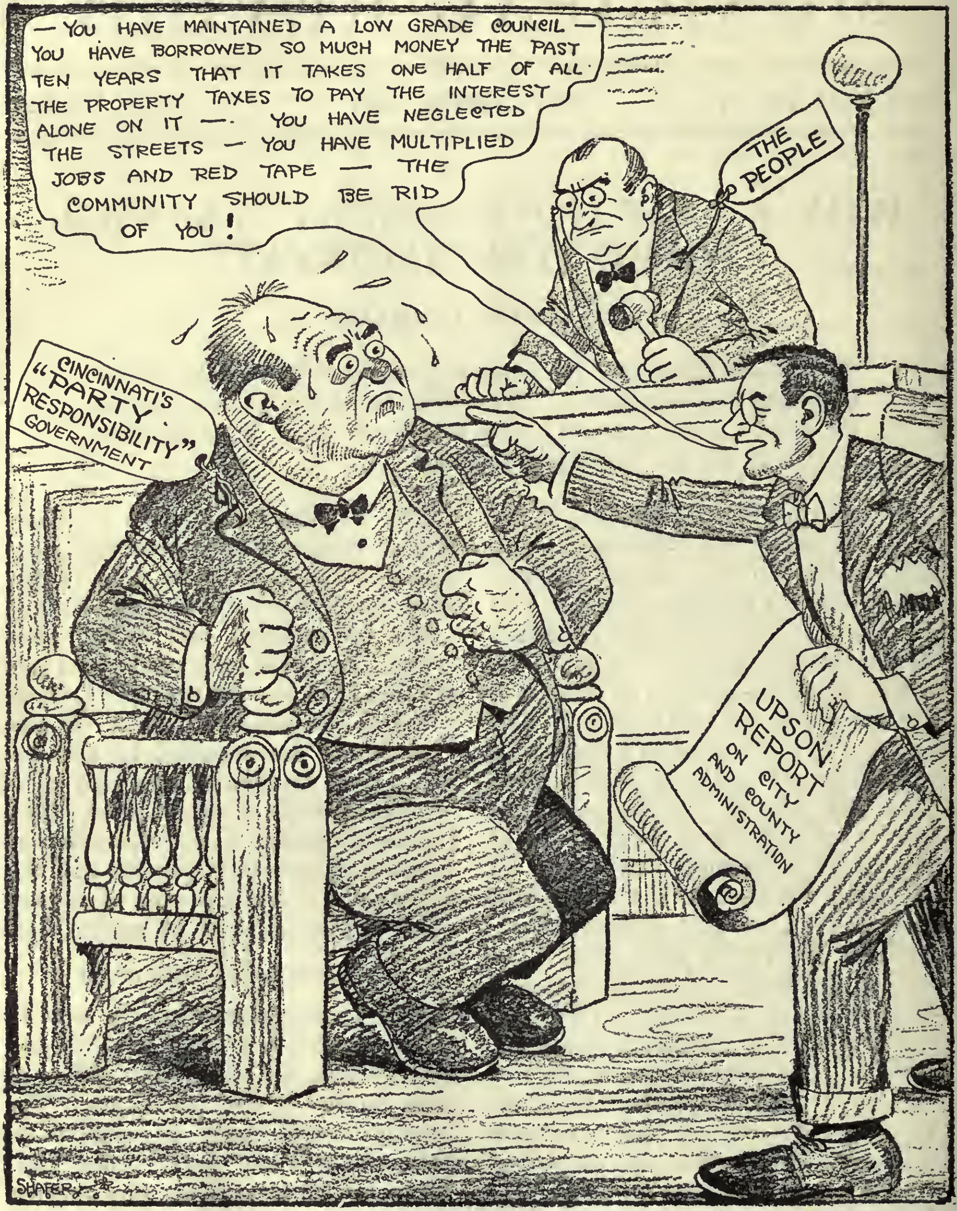
By the time this magazine is in the mail, Cincinnati will have voted on an amendment to its present charter which provides for a city manager and a council of nine elected by proportional representation. That such temerity could be possible in what was the domain of the late George B. Cox can only be understood by a knowledge of the slowly rising body of discontent that that régime and its inheritors have produced. It is risky to make prophecies concerning the results of elections, but because the writer took part in the Cleveland campaign comparisons are forced upon him. The tide of sentiment in favor of change is fully as strong as it was in Cleveland and the work of organizing that sentiment is much more thoroughgoing and systematic. A disused banking room in one of the busiest business blocks serves as headquarters, and an orderly bustle continues there all day. The bulk of the organization work is done by women, in fact every ward has a woman chairman and many have a woman captain in each precinct.

The newspaper situation is more favorable than in the Cleveland campaign. Only one paper, the *Times-Star,* from which editorial opposition might be expected, has so far been silent. The local Scripps-Howard paper, the *Post,* is conducting a vigorous editorial campaign in favor of the amendment, accompanied by a series of the most telling cartoons that have yet appeared in such struggles. The famous Cincinnati *Enquirer* is generous in space in reporting speeches and the *Commercial Tribune* is even more generous in proportion to its smaller size.

MACHINE RULE WEAKENING

The amendment itself is not as thoroughgoing a change as Cleveland was offered, but even that difference may prove to be temporary. The present charter may be said to do little more than declare the Ohio Municipal Code to be the city charter. It was to free the cities from this code that the home-rule provision was put in the constitution. It is unique in being the only charter of the twenty-six

MAY THE PENALTY FIT THE CRIME!


—You have maintained a low grade council — You have borrowed so much money the past ten years that it takes one half of all the property taxes to pay the interest alone on it —. You have neglected the streets — You have multiplied jobs and red tape — The community should be rid of you!
The People
Cincinnati's "Party Responsibility" Government
Upson Report on City and County Administration
Shafer

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The movement to secure city manager government for Cincinnati following the publication of the survey report upon the existing city and county government, which disclosed the practical workings of "party responsibility" under the old charter.

chartered cities in Ohio which retains partizan primaries and ballots.

The machine rule of Cincinnati, now nearly the last of our large cities to endure it, has been weakening for years, although in outer appearance it would seem to be stronger than ever. It never really regained from the blow to its prestige which it received when Henry T. Hunt was elected mayor. His subsequent defeat was another case where Americans have voted against a man by voting for his opponent. Without doubt his loss of favor was caused in the main by offering a plan for public ownership of the street car system. The popular criticism was not against public ownership, but against the price he suggested paying for the system.

Another indicator was the public defeat of a street car franchise in 1916, which the council gave to the system which connects Cincinnati with the cities on the Kentucky side. Though both the Republican and Democratic machines were heavily subsidized, a puny People's Power League won the election by eleven thousand votes.

The Democratic party, offering practically no opportunity for effective leadership, has become almost a name and it is difficult sometimes to secure the necessary Democratic precinct judges. That is why the last councilmanic election suggests on the surface that the people like the government they have had, for thirty-one Republicans were elected to council and only one Democrat. But that the public was stirring is shown by the votes the Republican candidate for mayor received. The incumbent received 68,000 votes while two opponents together received 61,000.

VOTERS DISTRUST CITY COUNCIL

A most significant development has been the repeated refusal of the voters to vote for increases of the tax levy. This is in face of what is the virtual emptiness of the city treasury. They have elected Republicans because there was no vigorous opposition and then showed how little they trusted them by refusing them badly needed finances. This loss of prestige was one of the reasons for the creation by the Republican Executive Committee of the Advisory Committee, which then instituted the survey so ably conducted by Dr. Upson. It is also an open secret that the fear arose that the Democratic opposition might be invigorated and if victorious would interfere with national ambitions held by one or two local industrial kings who would like to be enveloped in togas.

The city manager amendment is the result of the amalgamation of two groups. In the early spring of this year one or two citizens interpreted the last election as meaning that the people were ready for a change. They resolved to make haste slowly, and proposed that the only change be that of removing party emblems from the ballot and organized "The Birdless Ballot Association." The response was electric, but just as the movement was getting under way a legal decision was made which declared that the state law and the city charter combined make it possible for the nominees of partizan primaries only to be placed on the ballot and that nomination by petition is illegal. Since merely to have party-hack candidates without a label, was too small an advance, the "birdless ballot" proposal hardly seemed worth while to vote about except to gauge the reform sentiment.

Independently another group had been watching the Cleveland experiment, and a full-length charter was drafted. Both groups got together, however, and agreed to change only one section of the charter, that dealing with organization of the government.

WHAT THE AMENDMENT PROVIDES

The draft in brief provides as follows: A council of nine members elected by proportional representation for two years, a mayor elected from the council whose salary may be increased over that of his fellows, a vice-mayor without added compensation. All appointments previously made by the mayor shall be made by the city manager. The auditor, now elective, also becomes an appointee when the one in office ends his term.

The paragraphs dealing with the duties of the manager follow the Cleveland draft, as does the one demanding noninterference in appointments by councilmen, and the right of the manager to a seat without vote in council. Reorganization of departments is permitted but the manager must approve such an ordinance in writing. If he does not approve, it must be repassed by four-fifths vote of all members. Political assessments and service are prohibited on pain of dismissal and ineligibility for one year.

In order to secure a thorough-going charter revision, the council is given power to appoint an amendment commission, which is to pass its work to the council and thence to the people.

The rest of the proposal concerns the proportional election. The preliminary count of first choices in the precincts which Cleveland prescribes is eliminated. Cincinnati will seal its ballot boxes immediately the polls close and have a central count. This provision is being stressed because of the charges being made that fraud at the Republican primaries resulted in the counting out of a group of labor candidates for the legislature.

ORGANIZATION SUBMITS TWO ALTERNATIVES

Though only thirteen thousand signatures were needed to initiate the measure over twenty-two thousand were obtained in about four weeks, solely by volunteer effort. Immediately it became apparent that it would be submitted to the council the Republican Executive Committee hurriedly ordered its machine men to obtain signatures for a counter proposal. This petition proposed a council of nine also, nomination to be by wards and election at large, with no change in the administrative organization of the city. Between the time of submission to council and final action a critic pointed out that election by its terms must be by majority. At a meeting on September 2 no mention was made of the petition but a councilman introduced a charter amendment identical in wording except the word "majority", which word was replaced by "plurality." Having received a two-thirds vote, this will also be submitted to the voters. On the clerk's desk was also found another amendment. No one knows who laid it there or who wrote it. This one provides for nine councilmen each elected by separate districts, with no change in the administration organization: it too was passed and will also be voted upon. Neither dispenses with partizan ballots.

In an article which appeared in the last issue of the REVIEW, Dr. Upson said that the attitude which the Republican leaders sought to convey to him was, "if we have made errors we will correct them by our own efforts." These two loosely drawn and confusing amendments which ignore two of the Survey Committee's recommendations are the only earnest so far of that intention.

Further to confuse the voter the

election authorities have ordered that the two council amendments though drawn up and presented last, shall be printed ahead of the citizens' proposal on the special ballot which will contain all three, and such action has not made friends for the administration. In the past two weeks the people have been further angered by the passage of a new gas franchise, which at the last minute the mayor was forced to veto because of public indignation.

The terrible condition of Cincinnati's finance fully justifies the words of Dr. Upson: "Were the city of Cincinnati governed by the most high-minded and efficient administrators in existence, they could not possibly give the citizens the type of government to which they are entitled with the funds now available." This article is written a month before the votes are counted and the chances are strong that Cincinnati will try to get as much as possible out of her meagre resources, by hiring a manager. It will not be because every citizen understands that a city manager is technically a "controlled executive," nor because a Hare count has become as popular as Mah-jong.

Those back of the amendment represent a younger group of civic leaders in whom the average citizen can place confidence. Their explanations are being listened to with respect, but when a meeting breaks up, the same old remark that has done service in every other city manager campaign is heard on every side: "We don't understand all of this new scheme, but nothing could be worse than what we've got."

ST. LOUIS OUTGROWS PRESENT BOUNDARIES

BY HUGH K. WAGNER

President of Greater St. Louis Conference and Million Population Club

The metropolitan area of St. Louis has overflowed the boundaries of the city, but consolidation with the outside territory requires a constitutional amendment. :: :: :: :: :: ::

Prior to 1876 St. Louis was located in St. Louis county. In 1875 a new constitution was adopted by the state of Missouri, which permitted the city of St. Louis to separate from St. Louis county and simultaneously to extend its limits. In 1876 the scheme of separation from St. Louis county was adopted by the vote of the people in all of St. Louis county, including St. Louis city, and the city boundaries were so extended as to double the area of St. Louis city. At the same time, by an election in the city, a charter was adopted for St. Louis. Since then the city of St. Louis has been surrounded on its southern and western and northern boundaries by St. Louis county, but has not been in or a part of St. Louis county. It was for many years said to be the only city in the United States not located in a county. It has been governed, so far as municipal affairs are concerned, under the charter of 1876 and amendments thereto and the new charter, adopted in 1914. During all this time, certain state officers, territorially designated as "of the city of St. Louis," have exercised jurisdiction and functioned in that city as if it were a county. For instance, just as there is a sheriff of Jefferson county, so, also, is there a sheriff of St. Louis city and has been since 1876. So far as the county government is concerned, St. Louis has been palatine territory. Under the scheme of separation from St. Louis county, adopted in 1876, the courts of Missouri have held that the city of St. Louis is a political subdivision of the state, *like a county.* For practical legal and political purposes, it is a county, though not so in nomenclature. It is distinguished from Missouri cities of the first class by the fact that it has a charter authorized by the constitution of the state. For this reason, although it is the largest city in the state, it is not a Missouri "city of the first class."

BOUNDARIES FOUND TO BE BARRIERS

The authority granted by the 1875 constitution to separate from St. Louis county, and, at the same time, to extend its limits, when once exercised (as in 1876), was exhausted. Constitutional authorization to separate does not include the converse, the right or power to reunite or re-enter St. Louis county. This as a possibility was not even contemplated by those framers of the 1875 constitution of Missouri who advocated separation of St. Louis city from St. Louis county. On the contrary, their idea was that it should be a "free city," resembling one of the free cities of the Hanseatic league. The extended city limits of 1876 were, furthermore, placed so far out that the wisdom of that day said that St. Louis would never grow to its new limits. Among other things of which they were ignorant at that time may be mentioned the trolley car and the automobile, which have caused expansion of all cities and the relief of crowded tenement and slum conditions previously existing, while affording every one an opportunity to live in the suburbs and yet to spend no more time in transit than was formerly necessary when living close to the heart of the city.

The boundaries of the city of St. Louis fixed in 1876 have, in recent years, been found to be barriers. St. Louis county has grown and developed in population and in wealth by leaps and bounds, due to the overgrowth of St. Louis city. The city has lost an enormous population into St. Louis county. This movement is continuing and even accelerating. The form of the county government is the same as that of any agricultural county, but the conditions have become largely those of a city. One of the main reasons for the separation of the city from the county in 1876 was that the ordinary county court is not well adapted to manage the affairs of a territory embracing a large and populous city. That reason for the separation is now an important reason for the reunion, because with the citified conditions in St. Louis county already mentioned, the county court of St. Louis county must deal with urban conditions of a territory thickly populated. There is under the form of government existing in St. Louis county no central and unified control of public improvements, and there can be none. If St. Louis county were a city, it would now rank third in population in the state of Missouri, St. Louis being, of course, first; Kansas City, second; and St. Louis county third. The problem is evident. *Res ipsa loquitur.*

CONSOLIDATION ADVANTAGEOUS TO BOTH

These are a few of the reasons why the forward-looking people of St. Louis county and St. Louis city desire the limits of the city of St. Louis extended, so as to include part or the whole of St. Louis county. All large cities and many smaller ones are confronted with the same need. The main advantage to the city to amalgamate adjoining developed or undeveloped area is the control of public and private improvements, so as to forestall and prevent haphazard growth and improvements. The absence of city planning in the past has caused all large cities enormous and unnecessary expense for the straightening and widening of streets, the elimination of eye-sores, and the reconstruction or substitution of temporary, deficient, and inadequate improvements in the way of streets, sidewalks, sewers, and the like. City planning is too far advanced as a science at the present day for any community to permit the imposition of burdens upon its future due to the development of city conditions on its borders that will inevitably result in undesirable conditions that must be removed at community expense. The interest is mutual, of the city and its environs. The people who live in the suburbs derive their livings in the city. By the extension of the city limits they will be immediately benefited by the improvement of sanitary conditions through better sewers, by improved police and fire protection, better water and water service, lower insurance rates, better schools, and all the other advantages that arise from the agglomeration of an infinitude of small contributions that make the mighty whole of a large city. Self-evident as these truths are, opposition in the case of every city against the extension of its limits is found more in its suburbs than within itself. *Mutatis mutandis*, arguments are the same for the extension of the limits of one city as for those of another, the only difference being names, figures, and local conditions. There was heretofore no literature on the subject; but, during the last year and one-half, there has been produced in St. Louis a large amount of printed matter that arrays the arguments conclusively in favor of the extension of the city limits, explaining the motives of the opposition and answering their arguments, and placing the whole subject, whether as applied to St. Louis or other cities, upon an engineering and intellectual basis, instead of on the one point of increase in population figures.

SOURCE OF OPPOSITION

In all cities, the opposition comes chiefly from selfish interests of various kinds in the territory outside of the city. These selfish interests consist of public utilities not yet ready to sell to the city at an exorbitant price; politicians, officeholders, and would-be officeholders in the outlying territory and their relatives and friends; people who would rather be big frogs in a little puddle than little frogs in a big one; and many others.

The plan now before the St. Louis community looking toward the extension of the limits of the city of St. Louis is for the creation of a board of freeholders of eighteen persons, nine of whom shall be selected by St. Louis county and nine by St. Louis city. In order to obtain authority for the work of this board of freeholders, it is necessary to amend the constitution of the state of Missouri, due to the reasons set forth at the opening of this article. Initiative petitions have been circulated and signed to place this proposal for an amendment of the constitution on the ballot at the election to be held November 4, 1924 (the time of the presidential election). If, at that election a majority of all those voting on that proposition in the entire state of Missouri favor the amendment, the constitution is thereby amended. Thereupon, upon the filing of petitions therefor in the county and in the city, the above-mentioned board of freeholders will be appointed within the next thirty days and is given not to exceed one year for its deliberations. The said board of freeholders is to prepare "a scheme for the consolidation of St. Louis city and county or the inclusion within the county of the territory within the city or the annexation to said city of part of the territory of said county and to adjust all other matters and issues that may be necessary to effect either of said purposes." After such scheme has been prepared and proposed by the board of freeholders the officers in general charge of elections in St. Louis county are required to order an election thereon, to be held not less than ninety days and not more than one hundred and eighty days after the filing of such scheme with them, and the officers in general charge of elections in St. Louis city shall order a similar election in St. Louis city. They are to be separate elections, a majority controlling in each. If the majority in each is favorable to whichever one of the three plans that the board of freeholders is by such constitutional amendment authorized to prepare and does prepare is made operative. The three plans, from which the board of freeholders is authorized by such amendment to the constitution to choose, are set forth in the said proposed amendment as follows:

> The people of the city of St. Louis and the county of St. Louis shall have power (1) to consolidate the territories and governments of said city and county into one legal subdivision under the municipal government of the city of St. Louis; or (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the governments of said city and county, and adjust their relations as thus united, and thereafter said city may extend its limits in the manner provided in Article XVIII, Chapter 72, Revised Statutes of Missouri, 1919, or as may otherwise be provided by law; or (3) to enlarge the present or future limits of said city by annexing thereto part of the territory of said county, and to confer upon said city exclusive jurisdiction of the territory so annexed to said city.

These are alternative plans. The board of freeholders will first determine which of the three it deems best, and then it will prepare a suitable scheme for effectuating the plan of its choice. Briefly stated, the first plan permits the inclusion of all of St. Louis county in St. Louis city; the second plan permits St. Louis city to re-enter St. Louis county and then to extend its limits in the same manner as if it were a "city of the first class" under the laws of the state of Missouri; and the third plan permits the striking off from St. Louis county of parts thereof and the addition of these parts of St. Louis city.

RECALL ELECTION OF DENVER MAYOR

BY DON C. SOWERS
University of Colorado

Mayor Stapleton was overwhelmingly sustained in the recent recall election marked by deception and fraud. :: :: :: ::

A RECALL election was held in Denver on August 12, 1924, to decide whether the present incumbent, Mayor B. F. Stapleton, Democrat, should remain in office. The result of this election was as follows: Stapleton received 55,535 votes; Bailey, his chief opponent, and former Republican mayor, 24,277 votes; Rice, 1,386 votes; and Haughey, 1,211 votes. The vote was a decided victory for Mayor Stapleton. This is the second time the recall has been invoked in Denver in recent years and on both occasions the attempt to recall the incumbent official has been unsuccessful. A few years ago an attempt was made to recall Alexander Nesbit, commissioner of safety, without success.

CHARGES CONTAINED IN THE PETITION

It is claimed by some that the recall movement started on the very day on which Mayor Stapleton was elected. It is stated that friends of Mayor Bailey, the defeated candidate, said at that time that no matter who was elected they would see to it that he was recalled within six months. The movement was brought to an issue, however, by the filing of a petition on March 29, 1924, signed by approximately 26,332 names, accompanied by the following statement of grounds for removal:

1. That during the time he has been in office of mayor he has not exercised, and does not possess, the common sense, executive and business ability, judgment and training, requisite and necessary for the performance in a satisfactory manner, of the functions of the office of mayor of a city and county of the progressiveness, size, and importance of the city and county of Denver, Colorado;

2. That during the period of time he has held the said office of mayor, he has caused and permitted, through the extravagance, incompetence, and lack of ability of himself and his appointees, the general taxes of the people to be largely and extravagantly increased over the preceding and former years without any public necessity therefor and without adequate results derived from the expenditures; that he has been lavish and wasteful with the public moneys; that he has permitted the streets, alleys, and public places in said city and county to get into a ruinous and dilapidated condition; has not afforded the residents and visitors of said city and county adequate and sufficient police or other protection; and, generally, his and his appointees' conduct and misconduct in office has hurt the good name, formerly the pride of every good citizen of said city and county;

3. That the said Benjamin F. Stapleton, through the office of the city attorney, has condoned and assisted in the violation of the statutes of the state of Colorado, in so far as it relates to, and provides for, an eight-hour working day for women;

4. That the said Benjamin F. Stapleton, by orders issued through his commissioner of safety, has caused the insult, abuse, and mistreatment of men and women, citizens of the city and county of Denver, as well as the mistreatment of the strangers visiting the said city and county of Denver;

5. That the said Benjamin F. Stapleton, because of his failure to provide a chief of police, and because of his failure properly to organize the police department, the said police department has become so demoralized that daylight

robberies are of daily occurrence and crime runs rampant in our midst.

6. That there has been too much attention to "peanut politics," "jay walking," and other trivial matters, and too little to important matters, during his administration.

FRAUD IN THE PETITION

The clerk of the council refused to accept this petition and protested a number of the signatures. The matter was taken into court where it was decided that the clerk of the council had no authority to pass upon the validity of a petition and that his only duties were to transmit a petition to the election commission. Protests were then filed with the election commission which conducted an investigation of the protests. Mayor Stapleton protested 16,000 names on the basis of a canvas that had been made of the signatures and in the hearings before the election commission actually proved that 400 names were fraudulent. On one petition 77 names out of 100 names were proved fraudulent. It was found that street numbers were given which did not exist; the street numbers were carried right through parks, capitol grounds, and other public places. It was proved that at least 20 names were of persons who had been deceased from two to ten years. Many names of children and unnaturalized foreigners were found on the petition. It was also brought out in the hearings that names were secured by misrepresenting the purpose of the petition. Some people signed because they were told the petition was for the purpose of securing a five-cent car fare, others were told that it was to secure lower lighting rates, and others that it was to secure free bread or light wine and beer. Five warrants were issued against circulators of petitions on the grounds of perjury. Four circulators were convicted of perjury of whom two are now in jail and two succeeded in escaping the authorities by leaving the city. The charter provides that all hearings must be concluded within fifteen days after filing the petition, and this precluded a complete investigation of the protested names, as approximately 20,000 names were challenged. The election commission ruled that in spite of the fact that 400 names were actually proved to be fraudulent, that there still were enough names to require bringing the question to a vote.

FEWER VOTED FOR RECALL THAN SIGNED PETITIONS

The citizens of Denver became thoroughly aroused over what they considered an abuse of the recall. They objected in the first place to the expense connected with the recall and in the second place, it was felt that if an elected mayor was to be subjected to a recall election at the whim of a group of disgruntled politicians, it would be impossible to get competent business men to run for the office of mayor. Accordingly, the business and professional men of the city organized an anti-recall association, established headquarters, raised funds, and proceeded to organize the citizenship of Denver against the recall. Many of the luncheon clubs passed resolutions protesting against the abuse of the recall; the ministerial alliance joined forces with the anti-recall group and all the Protestant ministers gave one service to the anti-recall movement and to the endorsement of the administration.

The results of the election gave an overwhelming majority vote for Mayor Stapleton, the present incumbent. Ex-Mayor Bailey, his opponent, received 2,000 votes less than there were purported signatures on the petition.

This has been jocularly explained by some people who state that some of the signers were either in prison or had to leave the city. The apparent explanation of the large vote for Mayor Stapleton was not so much an endorsement of his administration as it was a protest against what was considered to be an unwarranted exercise of the recall. The anti-recall group sought to make the vote for the present incumbent so large that no group of disgruntled politicians would ever again attempt to use it.

The cost of the recall election was $15,500 to which probably should be added the cost of the two registration days, amounting to $8,000 which makes the total cost $23,500.

KNOXVILLE'S FIRST YEAR UNDER CITY MANAGER GOVERNMENT

TEN PER CENT OF TAX MONEY HANDED BACK TO CITIZENS

BY ARTHUR R. GANOE

Of the Staff of the Knoxville Sentinel

During the twelve months Knoxville has functioned under the city manager régime the cost of government has been reduced $620,000 as compared with the preceding year's expenses under the commission form of government, the city's credit has been boosted to the point where it has borrowed some short term money at the rate of two and a quarter per cent per annum; politics and politicians have been swept out of city hall; and a program of public improvements has been mapped out and undertaken that dwarfs to insignificance the spasmodic, impracticable, plum-laden projects sponsored by former administrations.

Perhaps the single greatest sensation of the new government was the tax refund voted by city council July 30. This unprecedented action gave back to the taxpayers of the city 10 per cent of taxes levied for the current year, amounting in the aggregate to approximately $280,000. So far as known no municipality has ever returned a cent of taxes duly levied and collected, the only parallel being found in the federal refund ordered on 1923 income taxes. From coast to coast Knoxville's refund of taxes has been the subject of articles in the leading newspapers and many editors have made it the subject of stirring editorials.

A proper appreciation of the refund necessarily entails an understanding of the circumstances surrounding and contributing to the dénouement. The latter word is used advisedly.

OLD GOVERNMENT'S SPENDING ORGY

Until the beginning of this year but two things of transcendent interest had occurred in Knoxville since its million dollar fire in 1897. One was the official census count in 1920 which showed the city had grown 114 per cent in ten years; the other was the inauguration of the city manager form of government last October.

The growth of the town is of no importance to this story except as a contributing factor in establishing the new government. More explicitly, the unusual increase in population produced considerable unexpected revenue, which in turn fostered an orgy of political corruption that finally became so open and intolerant as to invite drastic methods of purification.

The commission form of government, which replaced the aldermanic form in 1911, lent itself admirably, as every one knows or suspects, to the nefarious schemes of public treasury looters, but until 1919 the politicians discreetly kept within the bounds of reason. Of course, the capital debt continued to pile up in an amazing fashion and each administration inherited from its predecessor a staggering load of floating debt. This concrete evidence of mismanagement furnished no specific details, however, to which the taxpayers could point with a denunciating finger and a demand for restitution.

POLITICS!
IF SO, IT'S A BRAND OF POLITICS YOU NEVER PLAYED!!
POLITICAL CLIQUE
TAXPAYER
10% OF TAX MONEY RETURNED TO THE PEOPLE
EFFICIENT CITY MANAGER GOVT.

Knoxville Journal-Tribune

In 1919 the people went to the polls crying for relief, for economy, for business management, and as usual they elected a bevy of commissioners who won their jobs through the secret collaboration of the two party machines. A large part of the record of these commissioners will furnish deliberations for future courts, but it is not necessary to dwell upon that part of their record to develop a refreshing contrast.

Other cities may cite administrations which divided the spoils behind the scenes. This administration was unique, in that the spoils were distributed while the public gaped, undecided whether to admire or denounce. With a few minor exceptions there was no attempt at camouflage, while from the meanest detail to the magnificent project, all known devices for picking the public purse were improved upon.

They skimmed the cream from the patients' milk at the municipal hospital to make eggnogs for themselves and crowed over the construction of a three-mile, million-dollar boulevard through a veritable wilderness inhabited by a single family—a boulevard designed to enhance the value of property contemplated for development into aristocratic subdivisions.

Annual one-hundred-thousand-dollar payments to the sinking fund, established to amortize the bonded debt, were quietly defaulted and the money applied to covering up deficits resulting from improvement of private property.

Twenty-three miles of two-inch water mains were buried and thereafter became "six-inch mains" in official grandiloquent references to the distribution system. The maps, if any ever existed, showing the location of these mains were thoughtfully "lost." However, a six-inch main, with nice red fire-plugs attached equi-distant from each other, runs the length of the wilderness boulevard, untapped and well mapped, as incongruous in its surroundings as the miles of concrete curb bordering the graded and uncompleted double drive divided by a curbed parkway in the center which in turn is meticulously divided into block lengths.

THE RISING OF THE PEOPLE

Even then, with a floating debt of $3,870,000 this amazing gang of political buccaneers might conceivably have squared itself with the people had it not been for a galling, egotistical self-sufficiency which developed rapidly and in proportion to the administration's boldness.

They became victims of a superiority complex rendering them immune to advice, warning and interference, and finally had the temerity to tweak the several noses of the local newspapers—an insult that has never been forgotten or forgiven. In so many words, the administration invited the press to go chase itself.

Now a tweaked proboscis has been known to increase the mortality rate in more peaceable communities than Tennessee, and as there are three newspapers in Knoxville, Nemesis was promptly introduced to the erring city fathers. Overnight the papers not only declared war, each in its individual way, but they evolved a co-operative compact that dissolved political barriers, in so far as the city was concerned, and pledged themselves to oust their erstwhile playmates in the quickest and roughest manner possible. Having agreed upon a common objective the papers added what they knew to what they surmised, multiplied the total by several thousand figures of speech and the trick was turned. A bloodless revolution was enacted by tight-lipped, fiery-eyed citizens led by a committee of one hundred, which obtained injunctions, filed suits and generally prosecuted the malefactors, who were jibed and hissed unmercifully when they appeared on the streets.

When the press mentioned the new city manager form of municipal administration there was an immediate and imperative demand for details. The papers and the committee of one hundred investigated and reported, the people were convinced they had found a solution for the graft problem, a new charter was drafted and rushed through the state legislature, a non-partisan ticket composed of men entirely averse to holding public office—the most of them wealthy, successful business men—was named and with one exception elected, and on October 1, 1923, Knoxville began to function under the direction of a city manager.

YESTERDAY—
SORRY, BUT MONEY IS PRETTY TIGHT
N.Y. MONEY MARTS
INDORSED BY INEFFICIENT POLITICAL GOV'T
KNOXVILLE'S CREDIT
—TODAY.
YOU CAN HAVE IT AT THE LOW RATE OF 2¼%
N.Y. M
INDORSED BY EFFICIENT CITY MANAGER GOV'T
KNOXVILLE'S CREDIT

Knoxville Journal-Tribune

TENTATIVE BUDGET REDUCED EXPENDITURES $500,000

A *pro tem.* manager was installed until Louis Brownlow was employed at a salary of $15,000 a year. The new charter required the drawing of a budget, and the new council, with the assistance of Mr. Brownlow, drew up the budget basing their estimates upon the expenditures of the preceding year, arbitrarily cutting a half million dollars from the grand total, on the theory that if the former administration could operate on the estimate they had drawn, they could do more on $500,000 less. Accordingly the final budget totaled only $3,863,823.

Lacking records to determine what revenues could be expected from sources other than taxation it was determined to raise the tax rate from $1.90 to $2.44 per $100 of assessed valuation, an increase of fifty-four cents, which the old line politicians, who had, of course, condemned and ostracised the unfortunate former commissioners, pointed to with a characteristic "We told you so" gesture.

The members of the city manager's directorate were then appointed at salaries which brought a gasp, even from the conservative supporters of the new government. After approval by the council these salaries were fixed as follows: director of law, $6,000; director of public service, $7,500; director of public safety, $5,000; director of finance, $6,000; director of public welfare, $5,000, making a total, with the city manager's salary, of $44,500 for the services of the departmental heads. Both party machines went into convulsions over that total, and in view of the fact that Mr. Brownlow and Director of Public Safety J. O. Walker, came to Knoxville from Petersburg, Va., and Director of Public Welfare Frank Bane was formerly the state welfare commissioner of Virginia, the politicians adopted "Carry Me Back to Old Virginia" as their slogan and closed their meetings by singing the song.

Subsequently a health officer and an engineer to take charge of the water department, were added to the payroll at $4,500 each per annum, and just recently a competent superintendent for the city hospital has been employed to reorganize that establishment at a salary equivalent to $5,000 per year.

CITY OWED ALMOST EVERYBODY

To return to the course of events, which were not very orderly, due to the disorganized state of records, finances and all departments of the government, Manager Brownlow began systematically to bring order out of chaos. When the audit of the former administration's books had been completed, an audit that cost approximately $23,000 as a result of the time consumed in locating records and documents or establishing their absence, it was found that the former commissioners had spent all the income derived from the inadequate $1.90 tax rate and close to four million dollars more.

There was only $38,000 in the treasury and the city owed practically everybody in Knoxville. The local banks were carrying so much of the city's paper they refused to advance another penny, and the New York financial institutions were chary of loaning Knoxville any money because no one knew what the debt of the city really was.

Before Mr. Brownlow was employed the mayor had borrowed $400,000 in New York in anticipation of the issue of revenue notes, but the city's credit was so poor that the bank making the loan refused to extend credit beyond three months, and required 5 per cent interest.

After Mr. Brownlow took charge he borrowed $1,500,000 in anticipation of revenue at rates varying from $4\frac{3}{4}$ to $2\frac{1}{4}$ per cent without any difficulty. As soon as these loans were negotiated the politicians added it to their propaganda discrediting the administration, and a little later, when the auditors established the validity of $2,750,000 of the inherited debt and city council authorized a refunding bond issue in that amount, as provided in the new charter, they kicked their heels in glee and declared the city manager was adding millions of dollars to the city's debt. This, of course, was a blatant lie, but it had weight with the ignorant.

A little later, when the auditors had completed their task, showing that the balance of the floating debt was $1,120,000, council negotiated another refunding bond issue for that amount and Manager Brownlow disposed of the issue at par for 4¾ per cent, a distinct indication of the improvement in Knoxville's credit in the money market. The politicians accepted this issue with satisfaction, twisting it to suit their ends.

POLITICIANS PREPARE FOR FALL ELECTION

The chief reason for all this political activity was the legislative election this fall, the primary for which was held last August 7. Knoxville and Knox county nominated on that date representatives to the general assembly. And the politicians hoped to nominate their own representatives who would go to the assembly and put through amendments to the city's new charter which would enable them to regain their lost control. Therefore they chanted the increased tax rate, the high salaries, the "foreigners" imported to run Knoxville, and the million-dollar debts engineered by the city manager and council, twisting the facts to fit their fancies.

The newspapers formed the greatest barrier to the spread of the false propaganda disseminated by the unscrupulous politicians. With one accord the press seized upon each new political fabrication as soon as it began to circulate, tore off the camouflage and exposed its true meaning and falsity to the public gaze.

Members of the council, frowning upon political activity, declined to enter the lists against the enemies of their administration, thereby placing the burden of defense upon the press. Mr. Brownlow took no part in the fray. It was simply his duty to produce results and the results were immediately turned over to the press.

Even among the newspapers he picked no favorites, dividing the big stories equally between the evening and morning papers without even appearing to make such division. And if, perchance, he gave a story to one afternoon paper in the absence of a representative from the other he would call up the absentee and give it the details over the telephone. This absolute fairness was not productive of many "scoops" but it prevented a split in newspaper support that might easily have been fatal to the administration.

NEW ADMINISTRATION WORKED RAPIDLY

Results obtained from a newly organized machine, untried and untested, are often disappointing, but Manager Brownlow not only demanded success from his organization at the outset—he got it. And as the date of the forthcoming primary drew nearer with the crescendo and tremelo stops of the political ballyhooers wide open, the achievements of the administration began to present a defense of sorts to its nettled champions.

First there was completed a scientific school survey to determine the city's need for more schools, where they should be built and how much a tentative building program might cost.

About the same time a survey of the municipally owned water system was completed, showing what a perilous makeshift the obsolete pumping and filtration plants were. Then came a million-dollar street improvement program and directly upon the heels of this program the purchase of eight acres of ground in the heart of the city at the remarkably low price of $452,000. Upon this site, which will eventually become Knoxville's civic center, there are nine good brick buildings. Even the rabid antis admitted the purchase was a clever stroke of business. Two of the buildings were set aside to accommodate city offices, and the rest of the group are now being used to house 900 school children since one of the junior high schools burned down.

Meantime the one member of council elected by the politicians took it upon himself to address a political gathering of Republican women. During the course of his address he was said to have declared that his colleagues had plunged the city into debt over two million dollars during the eight months they had held office.

A single reporter attended this meeting, but one was enough. The newspapers took the bit in their teeth and forced the matter to a showdown. They pointed out that a section of the charter provided other members of council with sufficient authority to rid themselves of a member who charged what he could not prove. Council promptly investigated, the erring member defied them, and they promptly tried him for his defiance. The unanimous verdict was "guilty," but they were too wise to impose a rash sentence. As a punishment they merely ordered the entire court proceedings on the minutes, "to stand as an everlasting record" of the guilty man's disorderly conduct. Expulsion would have made a martyr of the ousted councilman on the strength of which martyrdom he might easily have been nominated to the state legislature.

This was practically the status of affairs seven days before the primary. Both political machines were backing anti-charter candidates and the old committee of one hundred publicly endorsed the candidates of both Democrats and Republicans who had pledged themselves to give the new charter a substantial trial. However, the backing of the machines was vital, organized backing, while the pledged candidates not only lacked organization but had to fight their own party machines. The machines both claimed an easy victory, the charter friends were dubious to say the least. In fact, the most astute neutrals conceded the politicians a clean sweep because the right kind of people—those who had cleaned up city hall a year before, would scarcely take the trouble to register and vote.

TAX REFUND WINS THE PEOPLE

Then out of a clear sky came the 10 per cent tax refund. City Manager Brownlow, with the aid of his daily audit system, found the city had already collected over $300,000 in revenues which had not been anticipated when the budget was prepared because there were no records to show this money had been collected by preceding administrations, or if collected, how it had been spent.

So he recommended that 10 per cent of the taxes levied for the current year, amounting to approximately $280,000 be returned to the taxpayers.

Council carried the recommendation into effect with unanimous accord, the only pertinent comment being that of the single councilman elected by the politicians. He said: "I'm for it, of course, but its nothing but politics," and no one thought it worth while to contradict him.

To get back to the primary, after the smoke had cleared it was found that out of seven candidates elected only one was not pledged to support the city manager charter and even he won only by the narrow margin of 17 votes. Analysis of the returns showed the city gave a comfortable majority to every pledged candidate, and the one unpledged candidate was elected by a heavy majority in the county and outside the city.

Of course, Mr. Brownlow asserts that the election had nothing to do with the refund, but nevertheless the refund had quite a bit to do with the election and it undoubtedly saved the charter from the sterilizing amendment prepared by its enemies in anticipation of victory at the polls.

THE SAN FRANCISCO BOARD OF SUPERVISORS AND CONSOLIDATED GOVERNMENT

BY WILLIAM H. NANRY

Director, San Francisco Bureau of Governmental Research

Clear-cut administrative responsibility upon the mayor is impossible because of the extent to which the council participates in administrative work. :: :: :: :: :: :: :: :: :: ::

San Francisco, which ranks as the eleventh city in the country, on the basis of population, has a consolidated city and county government. Its "legislative" body is a board of supervisors, composed of eighteen members, functioning on matters incidental to both municipal and county administration.

Members of the board are elected at large for four-year terms, nine offices becoming vacant every two years. The supervisors, as well as other city and county elective officials, are voted on in the odd-numbered years, thus avoiding conflict with state and national election campaigns. Supervisors are paid $2,400 per year, and, as required by charter, meet regularly as a board once each week.

Under the charter, the mayor, who is an elective official independent of the board of supervisors, is the presiding officer of the board. The mayor has complete power of appointment of members of various boards and commissions without the requirement of confirmation by the board of supervisors.

PREFERENTIAL BALLOT UTILIZED BUT LITTLE

Under the San Francisco election procedure candidates for elective offices are required to file a declaration of candidacy with the registrar of voters, and to pay a filing fee of twenty dollars. Each candidate must also have not less than ten, nor more than twenty, sponsors appear before the registrar and certify under oath as to the qualifications of the candidate. This simple and easy method of nomination usually results in an unusually large number of candidates for the nine supervisorial offices to be voted on in November of each odd-numbered year.

The election system in San Francisco involves the use of the so-called "preferential ballot," designed to give to the voter additional choices for as many offices as are to be voted upon. Candidates are required to receive a majority to secure election. If the tally of first choice votes does not result in the election of the required number of candidates, second and third choice votes are added, in sequence, to first choice votes. The adoption of the preferential ballot system wiped out the primary election on the theory that exercise by the voters of such additional choices obviated the need for a primary. In actual practise, however, an insignificant percentage of the voters exercises additional choices, which additional choices are not effective, except in cases of a practical tie between candidates on the tally of first choice votes.

NONPARTISAN ELECTIONS

Municipal elections in California are required to be held on nonpartisan bases. However, the influence of national parties is felt in the ratification of the candidacies of individuals by the county committees of the parties. Yet such ratification in many cases disregards party lines.

This nonpartisan requirement has served to develop nonpartisan groups and organizations for the support of individual candidacies. Although no analytical study has been made to appraise the actual effect of the endorsement of candidates by such nonpartisan groups in San Francisco, it is the common belief that such effect is tremendous. These nonpartisan groups at the present time include organized labor working through two central organizations, the Labor Council and the Building Trades Council; a confederation of civic and local improvement clubs, and another organization made up of individuals which has functioned at the last two elections for the purpose of "drafting" and supporting citizens as candidates for public office.

Although San Francisco has a consolidated city and county government, consolidation has been carried out only as regards the legislative body and the "financial" offices. These, in the usual form of separate city and county governments, are separately provided in the organization of the county and each municipality therein. The duties of the various officers designated as "county officers," such as sheriff, district attorney, county clerk and others are, in most cases, not specified by the charter, but are made subject to general laws passed by the state legislature.

San Francisco operates under a home rule charter, adopted in May, 1898, and which has been amended in probably one hundred and fifty particulars since it went into force and effect in January, 1900. This provides for a mayor-council form of government, with, theoretically, the usual separation of powers—judicial duties vested in various courts presided over by elective judges as city or county officers, legislative functions in the board of supervisors, and executive functions in the mayor.

Actually, however, most of the executive and administrative power is centered in the board of supervisors. The mayor, although designated by the charter as "the chief executive officer of the city and county," functions publicly as an executive principally in his power of appointment of the various boards and commissions which head the administrative departments. As the political leader in the municipal government, however, the office of mayor is presumed to carry tremendous power in the determination of policies and administration in the conduct of city affairs.

SUPERVISORS DABBLE IN ADMINISTRATION

As a routine of administration, executive power and administrative control is largely centered in the board of supervisors. Municipal policies and operations are controlled principally through the annual budget. The charter specifies that the supervisors shall make the budget and further vests financial control in the supervisors, exercised through the finance committee, in the authorization of expenditures after the budget is passed, and the approval of demands after the expenditures are made or contracted for.

Analyses and study of the San Francisco governmental organization and procedure indicate that the principal defects to be corrected center about the dual administrative and executive function of what is presumed to be the "legislative body" of the city.

The charter requirement that demands be approved by the supervisors before they may be approved by the auditor is a distinct executive procedure that should be fully handled by the executive branch of the government and under proper organization and procedure should not concern the supervisors. Until July, 1923, about one-half of the city purchasing was handled by a committee of the supervisors; under the revised procedure the new bureau of supplies headed by a purchaser is still under the supervision of a supervisorial committee. This also is an executive function, the performance of which in private corporations and reorganized city governments is in the hands of a purchasing agent either directly subordinate to the chief executive or in some city governments a subordinate of the chief fiscal officer.

Under the provision of the charter that "the board shall establish rules for its proceedings," the board through its several committees administers such distinctly administrative functions as the management and leasing of the Civic Auditorium; the purchase of land for schools and other purposes; the investigation of applications for numerous and various permits; the lighting of streets, parks and buildings; the investigation of water and telephone service complaints; the conduct of band concerts; the control of public building repairs; the consideration of many operating details of the municipal railways; the consideration of all subjects relating to the construction, maintenance of streets and sewers, etc.

The charter also requires that the board shall appoint a committee of three to be called the finance committee, to investigate the transactions and accounts of all public officers collecting or expending funds, examine the records of all persons or corporations to be licensed or taxed on the basis of gross receipts, etc. It is this committee which makes up the annual budget from budget estimates submitted by the various departments, and which approves all demands and recommends to the board the appropriation of money previously provided for in the budget. These activities are executive functions. The chief executive of any *effective* organization would be seriously hampered without the power to do these things or without provision for performance of these things by subordinates of his organization.

SOUND PRINCIPLES VIOLATED

The effect of these charter provisions is to delegate executive control to the legislative body. It is a fundamental principal of organization that executive work cannot be handled successfully by any group, no matter how representative or efficient the individuals of the group may be. These functions imposed by charter on the supervisors, which as a board meets only weekly, has forced the active functioning of the many supervisorial committees that participate in administrative affairs. The board with a long calendar to be disposed of at every weekly meeting, in addition to many noncalendar matters which are usually brought up, is forced, if it is to function at all, to approve the acts of such committees almost blindly. Most of the matters on which the board must vote are approved by "general consent" without roll call.

An important defect that is a natural by-product of the intermingling of legislative and official functions is the lack of constructive criticism within the organization which this forces. Under the charter the board of supervisors is the appropriating body, the revenue-raising body, and to a considerable degree, the auditing body and the expending body. The board directly controls about twenty per cent of the total budget expenditures. The board naturally is not in a competent position to criticize its own acts.

No power of constructive criticism to apply to such duties is provided for in the official organization of procedure. The mayor, under the charter, has no centralized and effective administrative power; acting as a presiding officer of the board he can offer little constructive criticism, except with regard to supervisorial conduct or actions on questions of broad municipal policy. He has no means of currently and regularly, and as a matter of routine, acquiring complete information as a basis of criticism of the board's administrative operations. If procedure were provided whereby he could regularly acquire such information and exercise power of review, it would be the reverse of the proper procedure. The legislative body should review the actions of the executive, rather than the executive review the administrative acts of the legislative body.

As to matter of practical operation, the supervisors as a board are largely dependent upon the finance committee for information upon which official action relative to finances or funds must be based. In a sense the board reviews the acts of the finance committee. Actually, however, with the intricate and voluminous financial procedure of the city, the board is usually in the position of having to act on the finance committee's judgment, due to lack of complete and written comparative information upon which alternative or amendatory proposals might be based. In the passage of the annual budget which establishes the yearly administrative plan, and is the fiscal procedure with which the supervisors, as a board, come most intimately in touch, this is particularly true.

The functions of planning, proposing and executing, as distinguished from reviewing and approving, are separate and distinct, and the same officials should not perform both. The system emphasized by the San Francisco charter interferes seriously with any executive administration as such. From the legislative standpoint, the executive standpoint, and from the standpoint of interjection of the executive into the legislative body, the San Francisco procedure is defective.

Consideration of the San Francisco legislative body, therefore, must take into account that it is not simply a body, representative of the citizens body, to function on matters of policy and legislation. It is, in addition,—although obviously the members are not elected as experts in the particular lines they are to supervise,—an administrative body functioning in some particulars in a manner similar to the commission, under the commission-form of government, and in other particulars vested with varying degrees of administrative power and control.

WHAT'S THE MATTER WITH CONGRESS?

A PROPOSAL FOR LEGISLATIVE LEADERSHIP

BY RICHARD S. CHILDS

Vice-President, National Municipal League

WHAT'S the matter with Congress? Let us in imagination go up to Capitol Hill and watch it work.

There in a vast chamber slightly smaller than a railway train shed and about as noisy, the house of representatives, or rather a fragmentary attendance thereof, is at its business of making skillful and scientific adjustments in the economic, social and administrative mechanism of this whirling age! And they are ostensibly doing it by the quaint procedure known as parliamentary law!

My thesis is that parliamentary law in this situation is an anachronism, that fortunately it has already been largely discarded, leaving only its outward shell, and that the realities of the process of legislation should be hauled up into the daylight, sanctioned as official and legal, and tagged with personal and conspicuous responsibility at every stage.

REPRESENTATIVE A AND THE TARIFF ON DOLETROTOLUENE

Parliamentary law is a wonderful invention and I have seen it work admirably, for instance, in a constitutional convention of 150 members with a limited amount of business. It will always have its place in congress but a much smaller place than now or formerly. It was entirely appropriate in the congress of a simple agricultural nation of five or ten millions. For in those primitive days when shoes were made by the village cobbler, when meat was slaughtered and sold by the village butcher, when travel was by horseback and ships were sailed by their owners, a flock of representatives—any fair average lot of citizens of jury standard—selected by any sort of lottery such as a rough-and-tumble political election, could not only pass adequate judgment upon legislative proposals submitted to them, but could easily write such legislation, debate it, amend it on the floor and pass it with pretty full understanding of why they were doing it, whom it would affect and just how it would affect them. The business was neither too vast, too voluminous nor too technical to be handled by such men and by such a procedure.

But when Representative A helped to determine the duty on a certain remote twig of the coal tar genealogical tree known as doletrotoluene, he did not know he was hurting my bluing business and costing me personally a thousand dollars. I am confident he never even smelled doletrotoluene, or knows now whether I am giving the real name or a coined one. And it would be utterly absurd for anyone to assert that he ought to know, or that he ought to have known when he voted. I never met but one man who might expect Mr. A to know. He was a North Carolina mountaineer who was regarded as the local sage in his hamlet because he subscribed to the Congressional Record. "I like to read them speeches," he told me. "They're reliable. Them fellers knows what they're talking about."

But the congressman on the floor, saying something that sounds reasonable, hopes it's true and is secure in the knowledge that the only persons who are expert enough to untwist his "facts" are writhing in helpless silence in the gallery.

TIMES HAVE CHANGED

Many institutions of government that fitted the simple needs of stage coach days are obsolete now. The town meeting gives way to the technical bureaucracy of modern municipal government. The justice of the peace who could deal with the swindling village cobbler is helpless to deal with a shoe machinery trust. The legal process that would keep the village butcher within the limits of fair dealing is feeble and futile against great packers' corporations. The railroads cannot be handled as were the travelers on the post road.

I submit that the cow is a useful element in shoe manufacture, but a cow cannot operate a shoe factory.

And I submit also that a congressman, chosen because he is a good spokesman of the people back home, cannot do much but moo when called upon to deal with doletrotoluene.

Now I have a thorough respect for the typical congressman. He is a better grade of human material than any other legislators in this country. The process that gets him into congress compels him to have, at least, a certain crude ability. He bows to no bossism outside of congress—there is no national boss in either party. His outlook is that of his district, which probably is as it should be. He takes no graft except such perquisites as are sanctioned by open usage. And just as we cannot reform the people, so likewise is it true that we cannot reform the type of congressman, but must take the type as a fundamental fact of the problem. I am not sure we should reform the type if we could. The congressman's faults are those of representatives, the faults that go with being a fair sample of the people. To try to reform the type of congressman would be like trying to reform the type of trial jurors.

But just as we do not impose upon jurors the expert functions of the judge, just as we do not ask jurors to determine points of law, so also we should not invite popular representatives—lawyers, farmers, merchants and politicians—to deal unaided with doletrotoluene. There should be a division of functions. Representatives should stick to their lasts and be representatives and have at their service, separately and responsibly organized, expert and research facilities. And every action of congress should pass through both the scrutiny of *experts* to see if it be right as to science and facts and the scrutiny of *representatives* to see if it be right as to popular acceptability.

SPECIAL INTERESTS SUPPLY EXPERTS

On many items of congressional business this is happening now. The Anti-Saloon League supplies expertness to a dry majority; there was small reason to fear that the Prohibition Amendment or the Volstead Act missed any tricks. The administrative departments first put through an expert staff the bills that they plead for in congress. The tariff-making committees have no difficulty in getting the attendance of experts from every industry. And most of all, the budget process filters through a staff of experts the great volume of questions that center round expenditure, and the questions of whether new horses are needed at West Point, or new cells at Atlanta Penitentiary, or salary increases for consular attachés in Siam, are just as purely technical questions as the duty on doletrotoluene.

I do not argue that any great part of the modern business of a congress is over the heads of popular representatives. I imagine that almost any congressman could get a firm grip on almost any question, however technical it might be, if he could address himself to it under competent tuition and put in time enough to learn all about it. But it is a sheer impossibility for him to do that; he must trust experts, and, outside of the budget, he has no experts to trust. Those experts who serve him now are too frequently bent on getting something—something quite illegitimate perhaps—and hence to be regarded with suspicion and taken with salt. They are not serving the congressman and from his viewpoint, except the budget bureau. And I want to see every piece of legislation pass through a staff scrutiny just as the budget does, or just as court action passes under the joint scrutiny of a judge learned in the law and a jury of amateurs who have not lost their freshness of view. Congress seems to me like a jury trying to conduct a trial without a judge, settling the knotty points of law by itself. The simile could be pushed further by imagining the jury to be overwhelmed with cases and desperately crowded for time, so that, in the hurly-burly, the glib oratorical phrase or the dexterous appeal to prejudice count for far too much. The speeches in the Congressional Record show this constantly—a few facts, obviously selected for their dramatic value rather than their actual importance, the reduction of a large matter to a snappy epigram, the effort to win laughter and applause. Large-scale oratorical parliamentary debate is an impossibly cramped medium for working out truth on the modern technical subjects that come before congress. If the 435 members of the house were all present and listening and if the seventeen seconds of ostensible consideration that were given to doletrotoluene had been spread out over a full day, they would probably still be less likely to arrive at the truth than one expert field investigator.

Neither the membership nor the procedure of congress is adapted to the grist of technical business that must nowadays be fed into the legislative mill at Washington.

PROCEDURE SHOULD PROVIDE FOR LEADERSHIP

Now for a second point, a more familiar one:

The mere volume of business of congress is too great to be digested by the processes of parliamentary law on a large and clumsy scale. Here we encounter no problem as to mental limitations of members of congress; it is all a matter of procedure and of getting members of congress to consent to a reformed procedure.

Congress at present does not cover its calendar. It hardly makes a beginning. All the real business is done by being given a preferred position out of its order. Unless your bill is one of these privileged bills, it will never be reached. The calendar had so little chance that an effort was made to resurrect it to a part of its ancient importance by the institution of Calendar Wednesday, a special day on which the calendar was *not* sidetracked. By that device, congress got a somewhat larger nibble of early bills on the calendar, but the situation was not radically changed. Congress chokes and gags on a small fraction of the business that is urged upon it. Congress could not cover its field even by the most expeditious of procedure and the most diligent attention to its duties, yet the procedure is needlessly dilatory.

The most preposterous item of nonsense is the roll call which in the house requires nearly an hour. This can be reduced to three minutes by electromechanical voting, requiring only the consent of those leaders whose power rests on the maintenance of log-jam conditions.

Lynn Haines estimates that three-quarters of the time of congress not given to privileged matters is spent on purely local and private bills, special pensions, claims, etc. This is not only wasteful, it is corrupt, and is curable by a few simple general laws delegating such petty matters to appropriate administrative authorities and keeping them there.

Congressmen are necessarily inattentive to their proper duties because they are overrun with importunities from their constituents. The congressmen, unduly sensitive to that kind of pressure, become patronage brokers and overrun the administrative departments with pleas for special favors. Civil service extensions and a more complete separation of administrative and legislative functions could cure most of that.

But even with all such reforms, parliamentary law on so large a scale has so limited a capacity that congress could still not handle its business.

HOW THE BUDGET AFFECTED PROCEDURE

Now we have taken the largest single item of important technical business out of the old parliamentary process and put it through a new routing at an enormous saving of congressional time and a great gain in quality of output. I refer again to the budget. A technical staff sifts the estimates; it studies the needs not by the labored and inadequate process of question and answer, with stenographer present, before a somnolent congressional committee, but by field inquiry by investigators and specialists; it produces a completed document endlessly substantiated by subordinate documents in the hands of men who understand them and can defend them. The budget bureau is independent of the departments that are seeking the appropriations; it is, so far as our constitution permits, the servant of Congress in the matter. The budget prepared by experts is then ready for consideration by the popular representatives. Their work is no longer amateurishly creative, it is the much simpler and more understandable one of asking such questions as suggest themselves and getting responsible answers; of offering criticisms and considering them; of deciding whether or not to follow the responsible Presidential leadership. Visible responsible leadership, subject to correction! Expert staff work subject to challenge! That is, in principle and in practice, modern and correct (even if Alexander Hamilton did invent it 130 years ago!)

My proposition is that this modern method of responsible and expert prior preparation of legislation be applied to all other legislation. I would require that before any bill reaches the desks of the members, it must be sponsored by responsible central leadership and subjected to analysis and report by an expert staff. In other words we must profit by the experience of the mother of parliaments at Westminster and let a ministry backed by a technical staff, bring in all the bills and control the order of business, subject always, of course, to the final consent of the rank and file of the members. The individual members of congress, as in parliament, must give up the present empty privilege of dropping their individual happy thoughts into the bill-box with the hope of trading and importuning these bills into the limelight for consideration and passage. They must resort to the less creative and more negative function of jurymen whose assent is vital but whose activity and variety of function is restricted.

Let the new rules create a central committee. It could be handpicked by the president from the two houses of congress in which case it would be a simple legalization of the presidential kitchen cabinets of the past, but a serious difficulty would arise in those years when the congressional majority was adverse to the president. Another and perhaps better way would be to have it elected by the two houses by proportional representation so that the minority could share the advantages of being on the ground at the formative stages of the legislation. This scheme appears in the National Municipal League's model state constitution.

Give to this central committee the prestige of meeting regularly with the president for the consideration of legislative policy in the president's rarely-used room in the Capitol. Put at the service of this committee a staff of investigators, bill-drafters, attorneys and experts and advisory-experts-on-call, headed by a chief of staff with adequate personnel and funds.

THE EXPERT STAFF

The function of this expert staff would be to make all the inquiries necessary for the intelligent preparation or revision of bills. The staff would act, not by the crude parliamentary process of having an attorney examine witnesses before a committee with miles of dialogue taken down and printed in fat, black, unreliable books, but by sending its trusted men to the evidence wherever it be and by hiring the best experts to help prepare the bills.

The central committee would have the powers of the rules committee over the time of congress, and have prior rights on the floor and on the calendar just as the British ministry has. The bills brought in and advocated by the central committee would have the prestige of presidential support and perhaps the advertising of a president's message. They would have the prestige of expert preparation and the backing of the experts' facts. The members of the central committee, with the prestige of authorized leadership would be ready to explain or defend every challenged clause.

If an individual member of today has a pet idea, he is helpless unless he can secure the attention and co-operation of certain vaguely-identified leaders and committee groups. So likewise he would continue to be helpless if the central committee should be unsympathetic. But it would be less irritating to be balked by a responsible and duly elected authority than by the self-anointed leaders who today maintain their power by holding strategic points of control over patronage, private and local bills, etc., whereby they keep members unwillingly in line and punish insurgency.

Parliament is nearly twice as big as congress but it is orderly. There is no such chaos as at Washington. And the life of a member of Parliament is more self-respecting, more free from errand-boy pettiness and subserviency than that of a congressman. No patronage binds him to obedience to the leaders. It is very essential that the grip of our congressional leaders upon their fellow members be broken, for it is an illegitimate grip, arising from the fact that their leadership is unlicensed, a position seized by force, unrecognized in form, covert in organization, almost secret as if something to be ashamed of. Yet it is necessary, a natural outgrowth of otherwise intolerable chaos.

Make it no longer necessary for that

leadership to get its power by preserving log-jam conditions and patronage brokerage and control over the private bills of independent-minded members! Acknowledge the realities and make the outward aspect conform to the facts!

Recognize that leadership as a desirable institution, dignify that leadership with honors, authority, opportunity, titles, presidential cooperation, technical support! Give that leadership a respectability and a responsibility worthy of its great place.

HOW MODERN TRAFFIC AND THE CITY PLAN AFFECT DISTRIBUTION OF PAVING COSTS

BY W. W. HORNER

Chief Engineer, Sewers and Paving, St. Louis

How St. Louis distributes the cost of her streets among her citizens.

THE great change which has taken place in our vehicular transport in the past twenty years has had its effect on every phase of the street system of our cities. Twenty years ago a city was required to provide for a few thousand horse-drawn vehicles on its streets, and the drivers of these vehicles were not, as a rule, highly critical of the character of the street paving. Today the horse-drawn traffic has decreased somewhat, but there has been added the passenger automobile and the motor truck in numbers which even ten years ago could not have been imagined. This enormous increase in traffic has made it necessary for all of our cities to develop great systems of major thoroughfares of ample width to carry ten or fifteen thousand vehicles a day without congestion. It has lined the curbs with standing vehicles, increasing the congestion and presenting new problems. These are matters which affect the planning of our street system as a whole.

NEW TRAFFIC DEMANDS SMOOTH SURFACES

To the municipal engineer the change in traffic is brought home most directly in its relation to the street pavement. It has been found that this new traffic breaks up and wears out our old types of pavement at such a rapid rate that many classes of paving formerly satisfactory are now considered obsolete. This new traffic brings on to the pavement truck loads of ten and fifteen tons, the carrying of which requires foundations which would formerly have been considered extravagant. Also it is insistent in its demand for smooth surfaces.

These factors are increasing enormously the amount of paving which must be done, and at the same time are increasing seriously the amounts expended for paving purposes. In general, the excessive weights of trucks, and the high speeds of motor cars may be restricted somewhat, but the situation as a whole must be squarely faced, and our city pavements must be put in condition to carry safely and comfortably the traffic which the public provides. The detailed studies required to produce proper paving for modern traffic are the particular problems of the municipal engineer. There is another problem which is also one for the municipal engineer and official, but at the same time one requiring the consideration of every vehicle user and tax payer; that is, the problem of producing the funds required for this paving, and of supplying them from the sources most directly benefited.

MAJOR STREETS

Since the indiscriminate wandering of this dense traffic throughout our cities involves a serious loss to the traveling public, and is unfortunate in its reaction on real estate values, the first problem today for the city planner and the paving engineer is that of providing proper traffic ways which will lead this traffic into well-defined and properly regulated channels. These traffic ways may be developed entirely through the provision of a proper pavement on existing well-aligned streets or through the opening and widening of existing thoroughfares in connection with the development of the major street plan. Either class of traffic way presents an unusual problem in pavement engineering and the proper solution of this problem will invariably result in a pavement charge much in excess of that for the local residence street.

PAVEMENT COSTS

It is undoubtedly true that the purely local street requires a pavement today of a more expensive character than was considered necessary fifteen or twenty years ago and our whole scale of pavement charges has increased in a somewhat greater ratio than have the cost of labor and materials. An average cost of the first class pavement on a 30-foot residence street today, is about $10 per front foot. This pavement will consist of the usual well-dressed granite curbing, a five- or six-in chconcrete foundation and, generally, of a hot mixed bituminous surface.

On the other hand, our special traffic ways will involve roadways of 36 to 40 feet in the heavy haulage districts, on which the paving will consist of the same granite curb, a foundation of eight or nine inches of concrete and a wearing surface generally of close dressed granite block. A pavement of this type will average more nearly $20 per front foot and even on the intermediate heavy traffic ways, where vitrified brick may be used, the cost would hardly be less than $15.

Our other type of special traffic way, which is more properly designated as a major thoroughfare, will have roadways of from 50 to 80 feet in width, a concrete foundation of probably seven inches in depth and a smooth bituminous surface. It will cost from $18 to $25 per front foot.

It would seem necessary to recognize, therefore, that under modern traffic conditions and with proper planning, both of the major streets and of the street pavements, our paving projects must be divided into two fairly distinct groups, on the basis of the service rendered and of the character of the benefits to the abutting property and to the city at large. It would appear that in the case of these unusually expensive pavements there is invariably a general city-wide benefit in excess of that incident to the paving of the average street, and that this benefit, together with the recognition of what seems to be an excessive cost if the whole expense is charged to abutting property would justify modification to common methods of distributing the expense by special assessment.

This situation contains nothing that is essentially new, for every town has had its Broadway and its Main Street and has had its lanes and by-ways, but the newer traffic condition is bringing the distinction home in a way that we have never before been forced to recognize it and modern city planning is producing a definite distinction between our thoroughfares and our residence streets, which makes it possible to adopt a logical policy in the financing of their pavements.

ST. LOUIS EXPERIENCE

St. Louis has passed through a number of forms of paving assessment procedure. Prior to 1876 the cost of paving was generally paid by the city out of the proceeds of short term bonds. This cost was prorated against abutting property on a frontage basis and the charges so arrived at were added to the general tax bills against the particular piece of property and collected with the general revenue tax of the year. After 1876 the paving was financed by the issuance of special tax bills, direct to the contractor, the assessment being prorated entirely on the abutting frontage. In 1902 a charter amendment changed the prorating and provided that one quarter of the cost should be charged on the abutting frontage and three-quarters on an area basis against the property within a taxing district, this district being limited by the lines midway to the next public street. This system produced numerous inequities, and in 1914 was changed in two respects. The amount assessed against the frontage was raised so as to be one-third of the total cost and two-thirds was assessed on an area basis against the property within a taxing district, but the laying out of the taxing district was made discretionary with the board of public service. In rectangular street systems the board has generally followed the principle of the midway line, but has been able to make special provision in the case of irregular streets, so as not to work serious injustice to property peculiarly situated. This is the system under which St. Louis is now working. Under its charter, the whole cost of paving and of repaving is assessable against adjacent property in the manner outlined.

PAVING FROM GENERAL REVENUE

In recent years three factors have entered into the St. Louis paving work, which have tended to complicate the operations under this charter. The first is the matter of resurfacing of streets by the city's own maintenance forces. The city possesses a municipal asphalt plant and fairly well organized maintenance sections for each type of pavement. These forces are expected to do repair work only, but as usual, it is found difficult to draw the line indicating where repair work stops and resurfacing or reconstruction begins and in a number of instances, the repair divisions have preferred to resurface completely, and in a few instances, practically to reconstruct a pavement rather than to continue what was considered expensive maintenance. In these instances, the property holders secured what was practically a new pavement without incurring any assessment. It should be noted, however, that in most instances this work was done on what would be considered, if not major thoroughfares, at least important traffic ways.

The second complication has arisen from the use of a local gasoline tax. About five years ago St. Louis passed an ordinance levying a tax of one-half cent per gallon on gasoline for automobile use sold within the city limits.

The various automobile interests and the gasoline companies were inclined to contest the constitutionality of this ordinance, but after considerable discussion, agreed to pay the tax with the proviso that the money so derived should be set aside and be used for the repairs of important traffic ways under the general supervision of an informal committee composed of city officials and representatives of the various automobile and gasoline interests. A large part of these funds have been expended on what is unquestionably repair work, but in many instances they have been used for the practical reconstruction of certain traffic ways. Again, as in the first case outlined above, certain abutting property has secured new paving without incurring any assessment.

Finally in 1918, under the urgency of an unsatisfactory paving surface condition which had developed from the neglect of the war period, a small paving bond issue amounting to $360,000 was passed and the money expended largely for resurfacing of an emergency character. In some instances, this bond issue money was used to reconstruct foundation or curb and the property was assessed for the surface, but in others new surfaces were paid for directly from bond funds. Here again certain property secured a new pavement without incurring an assessment.

ST. LOUIS PLAN

As a result of these complications, a great deal of complaint had developed that the property on one street was being assessed for new pavements while the adjoining street was being paved from general funds. While the so-called free paving was not extensive and generally amounted to less than 10 per cent on the year's program, the lack of a definite policy was unquestionably objectionable. When the program of the $87,000,000 general bond issue of 1923 was being prepared, this matter was seriously discussed and out of numerous conferences on this subject there finally developed a policy which was the basis of fixing the amount of bonds for paving purposes to be included in the general issue, and which also established a basis on which this bond money would be expended. This issue which has been passed and from which funds are now available, included a sum of $5,800,000 for the paving of streets. No particular streets are designated under the issue and no definite ordinance has been passed regulating the manner in which the money is to be appropriated, but the established policy, which is being rigidly followed, involves an expenditure of this money over a period of from twelve to fifteen years and under the following general conditions:

First. No single street of any character will be paved outright from the proceeds of these funds, except small triangles and cut-offs, which are a part of the major street plan and which are so situated that the assessment of the paving could not be equitably worked out.

Second. No wearing surface will be paid in any part from these funds, but must be carried through entirely by special assessment.

Third. The funds will be applied only toward paying a part of the cost of the paving of major thoroughfares or special heavy traffic ways. They will be furnished as an aid to these projects in amounts varying from 25 to 50 per cent, as the board may determine upon the consideration of the particular conditions surrounding each improvement.

Fourth. About half of the money is to be used as an aid to the repavement of existing thoroughfares and the remainder to assist in the original paving of new thoroughfares being opened or widened under the city plan.

It will be evident under these rules, which are (officially) unwritten, that there remains a great deal of discretion as to what projects are to receive city aid and in what amount the aids shall be offered. In reaching a decision on these matters, the board must be governed by several factors. First, the extent to which the paving of the thoroughfare may benefit the city at large. Second, the extent to which the paving of the thoroughfare will permit the appreciation of values of abutting property. Third, the amount of the cost of the improvement in excess of the cost of paving a purely local street. In some instances it has been fairly evident that property on a newly-widened pavement was increasing in value so rapidly that a paving assessment of $25 per front foot would not represent a serious burden and in some cases of this kind, very little aid from bond funds will be extended. Of an intermediate class are those newly established thoroughfares which will apparently not change the use or value of the property materially and in these instances, it is probably reasonable to pay the cost in excess of what would be the cost of paving the street if of normal width and of light traffic character. At the other extreme, we find those thoroughfares connecting isolated civic centers where the demand for a reasonable traffic way is urgent and the property traversed is entirely undeveloped. In some of these instances, levying of even a slight assessment against the property would approach confiscation and here it is proposed to construct concrete roadways at the foundation grade of the future pavement, but to build them of such character that they will offer a satisfactory service for the traffic of the next few years. The cost of these roadways will be paid entirely out of the bond funds. The cost of the final widening and surfacing will ultimately be charged entirely against the adjacent property, but this charge will not come until such time as the property will have had an opportunity to develop.

Under this plan and on the assumption that the maintenance and gasoline tax funds be restricted entirely to repairs, it is felt that the city will have developed a sound policy in pavement finance which will recognize the changed conditions due to present traffic and which will make possible the paving of our major thoroughfares without undue hardship or injustice to the property in the vicinity. This plan very closely follows the federal aid policy of general highway construction and we are calling it tentatively the municipal aid system.

ARE SPECIAL ASSESSMENTS FAIR?

In a recent article in the REVIEW Mr. Pennybacker presented some interesting considerations in municipal pavement finance. His suggestion that the payment for paving by special assessment was unjust and that the cost of paving could be carried from general revenue and would be covered by the increase in property valuations, gave opportunity for interesting speculation. Mr. Gulick's detailed analysis of this proposal was quite complete and the St. Louis experience will bear out Mr. Gulick that only in rare instances could the increased valuations pay the interest charge on the paving cost. I think we all realize that the special paving assessment is a serious aggravation to the tax payers and there would be some advantage if paving cost could be included in the general taxes. In the long run, the property holders as a mass would probably save some money by such a system, but there is a question whether the distribution of cost would not be quite as unjust as under the present plan. While we now require the abutting owner to pay for the pavement adjoining his property, recognizing that in some measure the whole city benefits by the construction, it is equally obvious that under a general taxation plan the property on the local residence streets would pay an undue amount to cover the cost of the more expensive pavements on the thoroughfares and in commercial districts and would in that way be forced to assist in producing the increased property values in such districts. This system also has been open, where used, to the general abuse of the "pork barrel" program. As between the two extremes, the St. Louis plan of municipal aid would seem to secure the results with the least possible inequity.

SPREADING ASSESSMENTS

The St. Louis system of spreading the assessed cost in part on the frontage and in part on adjoining areas also has much to recommend it. A strict frontage assessment, unless modified in some such manner undoubtedly works serious hardship on corner lots and would in many cases amount to confiscation. Under the St. Louis charter provisions, the corner lot is assessed its full frontage and its full depth for the paving of the street on which its main access lies and is assessed its full frontage, but only its lateral depth, when the adjacent cross street is paved. The proportions of cost now specified in the St. Louis charter of one-third prorated on the frontage and of two-thirds on the area still produce rather high rates under some conditions and it might be preferable to even further diminish the portion to be assessed against frontage, possibly to only 20 per cent of the whole, and spread the larger portion on an area basis on all property within a reasonable distance. If care is used in laying out the taxing districts so that no lot is included in more than two districts, a very uniform rate of assessment will result.

CENTRALIZED PURCHASING IN CITY MANAGER MUNICIPALITIES[1]

BY RUSSELL FORBES

Research Secretary, National Association of Purchasing Agents

Centralized purchasing has reached its highest development under city manager government, with gratifying results. :: :: ::

"AN axiom of the advent of the city manager form of government to a borough seems to be the establishing of centralized purchasing. Such was the case in Carlisle. In fact, one of the first actions of the new administration was to centralize all purchasing."

This statement in the 1922 report of the borough of Carlisle, Pa., should occasion little surprise. City manager government stands pre-eminently for centralized control over expenditure of city funds, which experience has shown beyond peradventure can most effectually be brought about by reducing the number of spending agencies to a minimum. Since most cities spend about one-third of their annual budget for their supply requirements, it is not surprising to find centralized purchasing going hand in hand with the establishment of city manager government in many cities.

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[1] The author gratefully acknowledges the assistance of the City Managers' Association in gathering the data on which this article is based.

A survey has been made in co-operation with the City Managers' Association to determine the extent of centralized purchasing and the purchasing procedure followed in city manager municipalities of the United States and Canada. The survey has been restricted to cities over 10,000 population, since very little over and above the cost of maintaining a purchasing agency can be saved by centralized purchasing in a municipality of lesser size where the using agencies are few in number and their supply requirements are limited. Winnetka, Ill., although less than 10,000 population, employs a purchasing agent. But this is an exception rather than the rule. A prolonged and detailed correspondence has been carried on with the 100 odd cities over 10,000 population in the United States and Canada now operating under city managers. The correspondence has been supplemented in the case of several cities by the writer's personal visit and study of the purchasing procedure. The city managers have almost without exception been most courteous, and practically all have co-operated.

THE EXTENT OF CENTRALIZED PURCHASING

Centralized purchasing is followed today in eighty-four out of one hundred six manager cities of over 10,000 population in the United States and Canada. Unfortunately, the information supplied concerning the system followed in eleven of these cities was so meagre that it was disregarded when compiling the accompanying data. These seventy-three cities to which this discussion relates have been divided into four groups according to population, since it was assumed that some marked differences in administration and procedure would be noted in the various groups:

Group	*Population*	*No. cities in group*
I	10,000—30,000	35
II	30,000—60,000	26
III	60,000—100,000	6
IV	Over 100,000	6

The city manager plan has had the most wide-spread application in smaller municipalities. It was to be expected that Groups I and II, including cities of 10,000 to 30,000 and 30,000 to 60,000 population, respectively, would embrace the majority. Of the seventy-three cities considered, thirty-five or almost one-half fall in Group I, and Group II follows with twenty-six. On the other hand, only twelve cities over 60,000 population are referred to in the digest, but this number includes nearly all cities of this size today operating under a city manager. Group IV includes the purchasing system of Cleveland, our fifth city, which today is being watched with interest as the first American metropolis to adopt the city manager plan of government. Akron's excellent system of purchase is not included in this report because of that city's return to councilmanic form of government on January 1, this year.

The type of policy-determining body in a city manager city has very little bearing on the operation of the purchasing system. The city manager himself usually supervises this activity or delegates it to some individual or department directly responsible to him.

LEGAL AUTHORITY FOR CENTRALIZED PURCHASING

In thirty-one cities the authority for centralized purchasing is prescribed in the charter. In seventeen of these, the details of the purchasing procedure and any rules and regulations laid down by the legislative body are contained in ordinances which supplement the charter. In fifteen other cities, the purchasing system is authorized only by ordinance. City manager governments have in the past been found more stable where authorized by charter. This applies also to a purchasing system. If it be subject to the changing winds of political favor, it is likely to be abolished through caprice of the legislative body without fair trial or upon slight pretext. The most highly satisfactory legal basis for a purchasing system, therefore, is one authorized by charter, but prescribed in detail by a supporting ordinance. Three cities in Group I and one in Group II follow a system which is handed down by state legislation. These are Florence, S. C.; Norwood, Mass.; Staunton, Va., and Dubuque, Iowa. Several cities have established centralized purchasing on executive order of the city manager without charter or ordinance authority. The purchasing agency was so provided in Stratford, Conn., Petersburg, Va., and Alexandria, Va., for example. This arrangement is working out very satisfactorily wherever tried. It has the advantage of greater flexibility and more ready response to changing circumstances; a change in procedure can be instituted by the city manager without the delay of securing sanction of the city electorate or legislative body. It would not be likely to occur in any other form of government, for no other administrator possesses comparable powers.

RELATION OF PURCHASING AGENCY TO GOVERNMENT STRUCTURE

In thirty-four cities a purchasing agent administers the procurement system, while in thirty-seven the city manager personally assumes full control. The data on this point in the various population groups show how city manager government adapts method to need. Very few cities between 10,000 and 30,000 population can afford to employ a full-time purchasing executive; that would be a luxury rather than a necessity. A saving can of course be demonstrated by centralized purchasing in a small city, even though the total amount of the supply requirements is small. But purchasing in a small city is not of sufficient import to justify maintenance of a formal and special organization; that function is very frequently entrusted to some official to be despatched in connection with other duties. Twenty-seven city managers in Group I (cities of 10,000 to 30,000 population) do the purchasing for the city in person, while only eight in this group have entrusted it to some other individual. City managers recognize in centralized purchasing a potent means for stopping the leaks in expenditure, and so wherever possible they reserve to themselves the active work in connection with it. No greater evidence could be offered of the city manager's appreciation of its worth.

In cities of 30,000 to 60,000 population, sixteen have purchasing agents, while in ten the city manager himself does the buying. In larger cities, purchasing is naturally divorced from the active control of the city manager, for he cannot attend in person to the administration of any other than his own office. It is not surprising, therefore, to find that a full-time purchasing agent is employed in all cities over 60,000 population and that no manager actively supervises the purchasing system.

In twenty-one cities the purchasing agency is a separate department of the city government, and in twenty it is a division or bureau in some other department. In Groups I and II the purchasing agency is sometimes a division in the city manager's office; in such cases, the assistant city manager, the executive secretary, or some other individual acts for the city manager as purchaser, but under his direct supervision. In other cases it is a part of the manager's work and is not classified as a *division.* When the purchasing agency is subordinated to a department, it is most commonly found in connection with the department of finance. Purchasing is in the main a fiscal process. Several steps in this process require the collaboration of the fiscal department if strict budget control is to prevail. Lost motion can be reduced to a minimum, therefore, if purchasing is made an integral part of the collaborating department. There is a likelihood, on the other hand, that the purchasing agency as a part of the finance department will acquire the accountant's point of view and overemphasize the dollars-and-cents aspect of buying to the neglect of the quality aspect.

No city manager municipality operates its purchasing system under control of a board or commission. In every city, the purchasing agency is either a separate department, a branch of some other department, or under direct supervision of the city manager. Milwaukee is one of the very few cities which have established and maintained a successful purchasing system under control of a board. A board, committee or commission composed of ex-officio officers facilitates "passing the buck" and decentralizes responsibility for purchasing policy and practice. A member of such a group, elected or appointed for some special work in the city government, cannot be expected to evince an equal interest in purchasing which is secondary. In the majority of such instances, the supervisory work of a purchasing board is discharged perfunctorily, while the more serious work is entrusted to a secretary or clerk who very often knows little and cares less about skilled buying. Some purchasing boards in the past have done much to verify Colonel Goethal's definition of a board as "a narrow, wooden thing." City manager government has done well to centralize responsibility in purchasing by divorcing it from board or commission control.

Seven cities in Group I claim that purchasing is centralized for all using agencies, including the department of education. In all the other sixty-six cities, the department of education buys independently. There is no valid reason why staple supply commodities used by the department of education, in common with other departments, should not be consolidated. The situation cannot be altered in those cases where the department of education is a separate entity, distinct from the city government in its administration. In seventeen cities, one or more departments, other than the department of education, are exempt from central purchase. But this small proportion shows that purchasing has been "centralized" in fact as well as name under city manager government.

Five cities in Groups I and II appoint their purchasing executive (city manager or purchasing agent) for a definite term. In all other cities, he has an indefinite tenure. This is in line with the general employment policy in city manager government, whereby tenure of office is dependent upon "producing the goods" and not upon a change of political administration.

AUTHORITY GRANTED TO PURCHASING EXECUTIVE

The purchasing executive is in general extended broader powers under city management than under other forms of government. In forty-nine cities, he has authority to make and amend rules and regulations for carrying the purchasing system into effect.

In fifty-two cities the purchasing executive (city manager or purchasing agent) may establish standard specifications for staple supply items. This is undoubtedly the most important step in a sound purchasing plan. Unless the purchasing executive has authority to establish, with the aid and assistance of the using agencies, suitable standards for the commodities common to their needs, centralized purchasing misses the mark of economy and efficiency. To centralize the buying for the entire city without establishing standards, thereby permitting each department and branch to order its own particular choice of brand or quality, results only in the city placing *many small orders* through a central office. Any standardization program should be tempered with common sense. *All* supplies cannot be standardized. Many using agencies have peculiar needs requiring a specific brand, design, or quality, which must be furnished if that agency is to render the maximum of service. But department heads have no right to vie with each other in the amount of gold on their letter heads, to specialize in a certain make of typewriter, or to maintain a style of office furniture different from other city departments, when they are satisfying their caprice with public funds. This is recognized in city manager government in the majority of cities by extending to the purchasing executive authority to establish standards.

A testing laboratory is an invaluable adjunct to any standardization program. Quality should be tantamount with price in order award. Laboratory tests now assist in the determination of quality in almost any commodity line. Thirty-nine cities extend to their purchasing executives the authority to make tests in arriving at standards or in determining quality before placing orders, and to test deliveries to determine their conformity to specifications.

Centralized responsibility for disposal of surplus or obsolete material and supplies has been the means for considerable saving in many cities. In the old-time government each department was blissfully unaware of what other departments were using and of course had no regular means for determining the existence of any surplus. A central supply agency should be the clearing house for all surplus stock either by transfer between departments or by sale when such stock is no longer of use to the city. Fifty-three manager cities vest their purchasing executive with this authority.

Practically all cities extend to their purchasing executives the authority to inspect in person or by supervision all deliveries of all supplies, materials, or equipment. In thirteen cities, this authority is reserved to the using agencies where supplies are delivered directly to them or to the storekeeper in cases where the stores are operated independently of the purchasing agency.

THE PURCHASING PROCEDURE

Requisitions may be submitted by using agencies in forty-nine cities at any time as need arises. In eleven cities the using agencies make formal requisition on the purchasing agency monthly for supplies needed for the ensuing period. The purchasing executive in twenty cities has authority to request at any time an estimate from using agencies of their supply requirements for a certain definite period in advance. The consolidation of such estimates enables the purchasing executive to place a bulk order for supplies in advance of need when market conditions are especially favorable and when by so doing he can demonstrate a saving to the city government.

The city manager personally approves all requisitions in forty-nine cities. In twenty-seven they are approved by the purchasing agent and in fifteen by the chief fiscal officer of the city. Such approval is required from all three officials in some cities; in others, the approval of one only is sufficient authorization to proceed with purchase. In practically every city the head of the using agency signs the requisition before it reaches the manager or purchasing agent.

Orders are approved by the city manager before being issued in fifty cities. In thirty the purchasing agent assumes this responsibility, either solely or in conjunction with the city manager. As before pointed out, the city manager takes a less active part in the purchasing procedure in larger cities. The chief fiscal officer in twenty-two cities approves the order before issue. Strict accounting control over purchases can most easily be effected if the chief fiscal officer has full authority to approve either the order or the requisition. The certification of the department head that a sufficient appropriation balance remains to cover the amount of supplies ordered should be supplemented by a recheck from the chief fiscal officer. This official should "encumber" the appropriation account of the using agency with the estimated price of supplies ordered, so that the city will "live within its means" and the budget program will at all times be adhered to. Since the amount so encumbered cannot be used for any other purpose, both the vendor and the city are protected: the former is assured of prompt payment; the city is assured of saving the cash discounts by prompt payment and is protected against overdraft of appropriations. Such fiscal control over purchases is a highly important phase of municipal accounting which should not be overlooked by any municipality in its supply expenditures.

In thirty-eight cities the department head ordering the supplies is furnished with a copy of the order to check with the delivery for quantity and quality. In twenty-six cities the chief fiscal officer receives a copy of each order to check against the invoice and delivery receipt from using agency or storekeeper for quantity, quality and price extensions.

COMPETITION IN ORDERS

Every government is insistent, and rightly so, upon securing competition in all orders. Many governments, however, have erred in overemphasizing the importance of the sealed bid in achieving competition. To some of our purchasing agencies—state, municipal, and federal—the sealed bid has become almost a fetish. Some purchasers find a deep satisfaction in obeying the law on this point to the very letter and in doing it religiously. The sealed bid has its place, of course, in any well-regulated purchasing system. But it should not be required in ordering patented articles with a single source of supply, in small orders for supplies needed without delay, and in the large number of cases where its use discourages reputable dealers from bidding on government business.

In securing competition, as in other respects, purchasing in city manager government is tempered with common sense to a large and encouraging degree. Only two cities (Clarksburg, W. Va., and Portsmouth, Va.) require sealed bids on all orders. Portsmouth requires sealed bids on all orders over $25 in amount, but such are practically all-inclusive. This restriction must of necessity tend to slow up purchasing and cause undue delay between the time of filing requisition for supplies and their delivery. Besides, the cost of advertising for bids sometimes largely offsets the saving involved in centralized purchase. The majority of cities require sealed bids for all orders over a certain definite amount. This limit is usually set at $500 or $1,000. The city of Pasadena is an exception in permitting its purchasing agent to place orders up to $2,500 without sealed bids but with consent of city manager, and up to $5,000 in amount with consent only of the board of directors. In thirty-six cities the purchasing executive may waive sealed bids, but such action is usually contingent upon consent of city manager or legislative body.

Three cities (Pasadena, Calif., El Dorado, Kans., and Miami, Fla.) still adhere to the rather archaic plan of requiring all bids to be accompanied by a deposit, certified check or bond. Nineteen require a guarantee of some sort with bids on orders over a certain limit. This usually applies to bids on construction projects where a large amount is involved and where the city must safeguard itself.

As a means of securing bids on orders, fifty-five cities still rely upon the costly and rather futile newspaper advertisement. Most cities have found that few if any bids are received as a result of advertisement; they are inserted solely to comply with the law. Fifty cities make a direct request to dealers to submit quotation on orders. This method has been found to be the most satisfactory for it enables the purchaser to reach a wider source of supply and to secure thereby a real competition.

The use of a bulletin board to advertise pending orders has been a conspicuous success in Cincinnati. The use of newspaper advertisements has been reduced to a minimum there and thousands of dollars have been saved. Six city manager cities—Phoenix, Ariz.; Glendale, Calif.; Lima, Ohio; Cleveland, Ohio; San Diego, Calif.; and Stratford, Conn.—make use of a bulletin board at the city hall where dealers or their representatives call to determine pending orders and to submit their bids. This plan of course is limited in its application to commodities purchased locally.

LONG-TERM CONTRACTS

When a city enters into a long-term contract, it should, if possible, protect itself against price decline. Some cities insert such a protective clause in their contracts. A long-term contract is of most value in a "rising market." In city manager municipalities, such contracts must generally be approved by the city manager or by the legislative body before issue. This is a sound provision. It curbs any possible enthusiasm of a purchaser which might lead a city into extravagance.

PURCHASES IN ADVANCE OF NEED

The city manager usually reserves the right to approve, too, any bulk purchases in advance of need. A wide-awake purchaser, in tune with market trends, can save many times his salary annually by buying at the right time. No bulk purchase should be made of any commodity just because it is a "bargain" unless the city really needs it. An instance might be cited where a state in the middle west bought a carload of paper napkins "for a song"—enough to last the state institutions until the millennium. The required consent of the city manager on advance purchases serves as a deterrent to rash or ill-advised expenditures. Such purchases can best be made where a revolving fund is available to meet the cost. This is provided in twelve cities.

A storeroom is usually required to stock the purchase in advance of need, unless perchance the vendor consents to deliver the supplies as requisitioned from his own stockroom. Such an arrangement is highly desirable, but can be rarely negotiated.

Forty cities maintain a storeroom. Twenty-five are in charge of a storekeeper, seventeen are under the supervision of the city manager and two are under joint supervision. Quite frequently the services of the storekeeper are extended to inspecting all deliveries, whether made direct to the using agency or to the storeroom. Uniform inspection presents many advantages which are too obvious to justify comment.

EMERGENCY PURCHASES

Some cities do not admit of "emergency purchases." Twenty-three limit them to orders under a certain amount, and thirty-three require the consent of the purchasing executive before they are entered into by the individual department. In many cases, there is no justifiable excuse for emergency orders placed by the department heads direct, for the central agency is in better position to secure prompt delivery, even when a breakdown of machinery occurs, than is the using agency itself. But in case the using agencies are widely scattered, exigencies may arise wherein the public service demands instant procurement. Orders should then be placed independently. Emergency orders should be approved and paid for through the regular channels; there is seldom occasion for maintenance of a supply fund at the individual using agency. Such purchases have been the means in several cities for breaking down centralized purchasing and permitting department heads to order what and when they please, by invoking the aid of "emergencies."

APPROVAL OF INVOICES

Prompt and careful approval of invoices has served in many cases to prevent duplicate payment, to detect "shortages," and to save cash discounts. Thirty-one cities require the approval of the city manager on the invoice, thirty-two authorize the purchasing agent to approve, twenty-nine require approval of chief fiscal officer, and sixteen the head of using department. In every case at least two of these officials approve each invoice. This secures a recheck and reduces the possibility of error to a minimum. Clarksburg, W. Va., strays from the beaten path in having all invoices approved by a committee of the city council. A similar committee in San Diego, Calif., approves all invoices for emergency purchases.

ADVANTAGES AND SAVINGS OF CENTRALIZED PURCHASING

Not all cities are "cashing in" on the entire gamut of advantages of centralized procurement. Legal restrictions, too much detail in procedure, and opposition of departments often conspire to defeat its very purpose. But in the cities under manager administration, taken as a group, the potential benefits involved are being more nearly realized than in any other form of government. Centralizing responsibility in the hands of the chief administrator simplifies the task of the purchasing executive in securing decisions in unusual situations. It makes the purchasing system less rigid, speeds up buying, and substitutes in many cases common sense for unnecessary "red tape." More important still, city manager government has made tremendous strides toward divorcement of "political" influence from order awards. The tenure of the purchaser depends upon results alone, the line of his responsibility is clearly defined, and he can go about his work unhampered for the most part by outside pressure for doling out orders here and there to the "faithful."

Many benefits accruing from centralized buying are intangible. Even the dollars-and-cents economies are difficult to determine. Below are listed the estimated savings effected in some city manager municipalities:

City	*Per Cent Saved*
Portsmouth, Va.	10
Sault Ste. Marie, Mich.	10
Jackson, Mich.	10
Pontiac, Mich.	15
Clarksburg, W. Va.	10
New London, Conn.	5
Benton Harbor, Mich.	10
Durham, N. C.	5
Bluefield, W. Va.	5
Grand Rapids, Mich.	10–15
Lima, Ohio	29
Petersburg, Va.	10–12

The following statement from C. A. Bingham, city manager of Lima, Ohio, refers to a specific instance of saving through skilled buying:

> One item of 3,000 tons water pipe in carload lot was purchased by early option at $40.60 per ton. Price when pipe was used had risen to $58 per ton. Actual saving on that one item was $52,200, or enough to pay salaries of city manager, purchasing agent, and whole city commission for five years.

Parallel illustrations could doubtless be found in the experiences of other city managers.

Centralized purchasing was adopted in Dayton, Ohio, in 1913. A survey showed that the various using agencies of the city were paying from $12 to $22 per thousand for letterheads. Standardization upon one grade and quality of paper and buying it in bulk reduced the price of letterheads to $2.70 per thousand in the first year of centralized purchasing. Some other savings were as follows:

Article	Price, Noncentralized Purchasing	Price, Centralized Purchasing	Per Cent Saved
Carbon paper	$3.50 box	.65 box	82
Typewriter paper	1.25 box	.54 box	57
Typewriter ribbons	.75 each	.25 each	67
Rubber bands	4.00 pound	1.35 pound	67
Paper clips	1.00 thousand	.25 thousand	75
Letterheads	12.00 to 22.00 thousand	2.70 thousand	85

Cost of standard fire hose was reduced 50 per cent; coal, 40 per cent.

In the first year of centralized purchasing Dayton saved $33,000, price fluctuation being considered.

These figures could be duplicated from the experiences of other cities. A central purchasing agency goes on from year to year reducing supply cost, but is compelled in most instances to rely upon estimates to establish its record, for no accurate method of determining savings has as yet been found.

OPERATING COST FIGURES

The following table shows for last year the total amount of cash discounts on invoices, the operating cost of the purchasing agency for salaries and overhead expenses, the total amount of purchases made, and the per cent operating cost in certain cities, which are believed to be representative:

City	Cash Discounts Annually (Amount)	Operating Expenses	Amount of Purchase	Per Cent Operating Cost
Miami, Fla.	$6,000	$1,800	$200,000	.9
Escanaba, Mich.	2,000	3,000	200,000	1.5
Pontiac, Mich.	2,000	3,500	500,000	.7
Pasadena, Calif.	2,500	5,000	1,000,000	.5
Tampa, Fla.	1,864	3,000	400,000	.75
New London, Conn.	500	3,850	165,000	2.3
Bluefield, W. Va.	1,200	1,850	150,000	1.2
Columbus, Ga.	1,706	4,900	208,000	2.3
Kalamazoo, Mich.	3,235	6,900	950,000	.7
Muskegon, Mich.	1,512	2,400	432,000	.5
Greensboro, N. C.	1,000	1,600	60,000	2.6
San Diego, Calif.	2,000	6,400	1,410,000	.5
Lima, Ohio	2,200	3,000	240,000	1.2
Petersburg, Va.	1,736	2,500	172,000	1.4
Totals	$29,453	$49,700	$6,087,000	

Average operating cost, .81 of 1 per cent.

It will be noted that the amount of cash discounts on invoices for supplies equals from one-half to two-thirds of the total operating cost in some of the cities cited above. This saving is very frequently lost with decentralized purchasing, for the discount on each of the many small individual invoices does not inspire any special effort toward prompt payment. It is conceded that the operating cost figures are of very little value in establishing purchasing efficiency. A purchasing agency with a slip-shod procedure and administration may show a lower operating cost than the most efficient agency, on account of an advantage in market and transportation facilities and the size and general nature of the purchases. But it must be granted that some of the cities listed above rival our vaunted industrial purchasing agencies in their per cent operating cost record. This table is thought to be representative, for it includes cities of various sizes in various sections of the country and embraces those with both low and high operating cost figures. It shows that these fourteen cities purchased last year supplies aggregating $6,087,000 at a total overhead cost of $49,700 for a per cent cost of .81 of 1 per cent. The total cash discounts amounted to $29,453 or 59 per cent of the total overhead cost of purchasing.

Centralized purchasing is practised today in over two hundred cities of the United States and Canada. Eighty-four of these under the city manager form of government represent 79 per cent of all city manager municipalities over 10,000 population. Many purchasing agencies under other types of administration have made enviable records for economy and efficiency. The plan has demonstrated that it will work under any political party and any form of government. But it has perhaps reached its highest development under city manager government with which it dovetails most admirably. City manager government, so responsive to changing conditions, lends a freedom from restriction which is necessary for the most successful operation of a purchasing agency. And the centralized method of purchasing, the "left hand of budget control," is invariably called to the assistance of a city manager where that manager finds it necessary to reduce supply costs in the interests of the public service.

STATE TAXATION OF PASSENGER AUTOMOBILES

BY HARRY A. BARTH

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Methods now employed do not work justice. It is a question whether a strictly equitable method is possible. :: :: :: :: ::

WITH well over fifteen million cars in the country, the problem of motor vehicle taxation assumes real importance. The owners of these cars represent the class of the community with the largest share of the national wealth. In addition, they represent a class demanding special services of numerous kinds from the state. That the legislatures have not been slow in taxing this special class is indicated by a tax burden in 1922 of over a third of a billion dollars. In 1924 this burden will run in the neighborhood of half a billion.[1]

This paper attempts to clarify one portion of the field of motor vehicle taxation,—the taxation of gasoline driven passenger automobiles by the state governments. The cars in the class dealt with make up by far the largest proportion of motor vehicles. In 1923, of the motor vehicles licensed, 13,484,939 were passenger automobiles.[2] Of course almost all of these were gasoline driven. State tax laws were responsible for two-thirds of the tax burden placed on motor vehicles.[3]

In making a study of this nature, two problems must be distinguished. What justification exists for taxing motor vehicles in a special manner? And, assuming that there is justification for a special tax, how shall the tax be apportioned among the various car owners?

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[1] The 1922 figures were supplied by the *United States Bureau of Public Roads.* The 1924 total assumes an ordinary rate of increase.

[2] *Automotive Industries,* Jan. 10, 1924.

[3] *Bureau of Public Roads* estimate.

The first question is totally academic in view of the existing taxation of motor vehicles. Regardless of the merits of the case, motor vehicles will be specially taxed. The justification is the benefit theory. Special services are maintained for motorists,—roads are built and kept in good condition, motor police are employed, highway regulations are enforced,—and these services warrant special payment. Whether the special benefit warrants placing the entire burden on motor car owners is very doubtful. Clearly, though, it justifies placing some burden there.

What method should be used in determining the amount each motorist shall contribute for this special benefit? This question has a really practical application, as upon its answer depends the allocation of the tax burden among the motorists. Should it be proportionate to the injury to roads? Should it be graded according to mileage? Should it be a flat privilege tax? Or should the benefit basis be discarded as unworkable,—and in its place be substituted assessment according to ability to pay? This problem will be attacked through a consideration of each of the standards now employed.

The field is of course virgin. There are no guide posts and much of the subject matter is controversial.

METHODS NOW EMPLOYED[4]

There are several methods now employed by the states to tax gasoline driven passenger automobiles. These are briefly: (1) horsepower, (2) weight, (3) cubic inch displacement, (4) gasoline consumption, (5) as personal property, and (6) value.

Nineteen of the states use horsepower as the yardstick. These include Alabama, Arizona, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, New Jersey, New Mexico, North Carolina, Ohio, Pennsylvania, Tennessee, Utah, Virginia and Wyoming. Thirteen employ weight. These include Delaware, Florida, Idaho, Nebraska, Nevada, New Hampshire, New York, Oregon, South Carolina, South Dakota, Vermont, Washington, and Wisconsin. Eight states employ both horsepower and weight. These include Arkansas, Michigan, Indiana, Kentucky, Maine, Rhode Island, Texas and West Virginia. One state, Connecticut, uses the cubic inch displacement as the basis. Oklahoma bases its tax on value. Colorado bases the tax on cost price. Iowa and Minnesota use a combination of value and weight. North Dakota uses an even more complex system in which selling price, net weight and horsepower contribute in the final result. California uses a flat rate. Kansas combines a flat rate with weight.

In addition to these taxes which are placed directly on the machines, in about three-fourths of the states, automobiles are subject to the general property tax. About three-fourths of the states also tax the gasoline consumed by cars.

An outstanding fact is the lack of uniformity in motor vehicle taxation. The general property tax varies widely with the states. The gasoline tax rate varies from one cent to four cents per gallon. Arkansas taxes at four cents. The average is two. The motor license fees are different for every state. Nor is there any reason for uniformity in rates. Highway programs vary in scope. Costs also vary. If uniformity is at all desirable it is in method of taxation rather than in rate.

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[4] This section of the paper is based almost entirely on the digest of state motor laws of the Motor Vehicle Conference Committee, entitled *Special Taxation for Motor Vehicles, 1924*. The Conference has done a very valuable work in compiling the tax laws, and without the use of this material, a ready study of the subject is impossible.

In seven of the states which employ horsepower as the basis,—Louisiana, Maryland, Mississippi, New Mexico, Pennsylvania, Tennessee and Virginia,—the rate is expressed as so many cents per horsepower. The rate varies from thirty-two cents in Maryland to sixty-eight in Louisiana. Georgia taxes all cars with less than twenty-three horsepower at $11.25 and assesses others at sixty cents per horsepower. New Jersey taxes cars with a horsepower of twenty-nine or less at forty cents and over twenty-nine at fifty cents. In the other states a flat rate is provided for cars within definite horsepower limits. Arizona is typical of the horsepower schedule method. Here the rate is five dollars for cars with a horsepower of twenty-five or less, ten dollars for cars from twenty-five through forty horsepower, and fifteen dollars for cars over forty horsepower. The tax rate in the other states is usually higher but the same sort of schedule is followed. Usually the amount increases more rapidly than the horsepower, but this is not true for all the states. In Missouri, for example, the lower powered cars are taxed at a higher rate per horsepower than the high powered.

Where weight is used as the basis, the rate is either expressed in terms of a number of cents per hundred pounds, or certain cash amounts are specified to apply to cars within definite weight limits. Vermont is an example of the first class. Here the tax is eighty-five cents per hundred pounds. South Dakota is an example of the second. The schedule follows:

Less than 2000 pounds.........	$13
2000 to 3000 pounds...........	17
3000 to 4000 pounds...........	20
4000 pounds and over..........	35

These rates are fairly typical.

In the eight states where horsepower and weight are both employed as the measurement of taxation, the rate is usually expressed as a number of cents per horsepower and a number of cents per hundred pounds. In Michigan the rate is twenty-five cents per horsepower and thirty-five cents per hundred pounds. Connecticut is the only state using cubic inch displacement as the measure. The rate is eight cents per cubic inch. California has a flat rate of three dollars per car.

Colorado charges one and one-half per cent of the original cost price. The maximum fee is five dollars. Oklahoma charges ten dollars for the first five hundred dollars of value and seventy-five cents per hundred for value in excess of five hundred. Minnesota charges two and three-fourths per cent of value with a minimum fee for cars weighing above and below two thousand pounds. Iowa charges one per cent of value plus forty cents per hundred pounds of weight. North Dakota charges one-half of one per cent of value, twenty cents per hundred pounds, and ten cents for each horsepower. In Colorado, Minnesota and North Dakota a stipulated reduction is permitted for registrations following the first.

From the outline of the laws the great diversity in the practice of motor vehicle taxation is quite evident. The standards are many. The rates vary widely. Which of the many practices conform to equity?

HORSEPOWER AS THE STANDARD

The standard most widely employed is probably the least defensible. Over half the states employ horsepower as either the only standard or as a major standard. This is difficult to understand as there are a number of objections of primary importance to the use of this unit of measure. These are: (1) that there is no method of determining horsepower which is both convenient and accurate, (2) that there is no direct relation between horsepower and damage to roads, and (3) that there is no direct relation between horsepower and value.

The method which gives the true horsepower of a car is the brake test. This test is not employed, probably because its use is difficult. To employ it would necessitate placing each motor on the blocks and operating it at various speeds and testing the horsepower at each speed. Of course the use of this test is by no means impossible. But horsepower is not easily determined by it and it is not used. Nor would it be accurate as between cars of the same make. Quality of materials and quality of workmanship cause variations between cars produced at the same factory. Furthermore the horsepower generated varies with the speed. Some cars like the Ford generate the maximum at a low speed. Others develop the maximum at a high speed. At what speed shall the horsepower be determined? To agree upon any one speed will probably prove inequitable. To adopt the speed at which the maximum horsepower is developed would be unfair, because many machines in use are seldom driven at that speed. To agree upon an arbitrary speed would be unfair, because the speed at which a car usually travels varies with the courage of the owner, which is a variable quantity. However, if horsepower is to be employed, the brake test seems to be the test which most nearly approximates accuracy and equity.

As a matter of fact a totally different method is employed,—one which is based on easily determined factors. The formula of the Society of Automotive Engineers is the one used. This formula squares the diameter of the bore in inches, multiplies by the number of cylinders and divides by 2.5, a constant which has been agreed to by engineers as a fair, conservative rating for a four cycle motor at one thousand feet per minute piston speed. The method is grossly inaccurate. In theory it is indefensible. Actual tests disprove it. A Ford with a rating of 22.5 under the S. A. E. test actually develops around thirty horsepower. An Essex with a rating of 16.5 S. A. E. will develop around forty. A Jewett with a rating of 25.35 S. A. E. will develop fifty. A Paige with a rating of 33.75 S. A. E. will develop seventy or more. These figures are typical of the discrepancy between actual horsepower and the rating for taxation purposes.

This discrepancy would not make any difference if the variation between the power developed under the tests were uniform. It is not. The formula of the Society of Automotive Engineers was developed in the early days of the motor industry when large bore cylinders, slow-moving pistons, and low compressions were the rule. Developments in the motor industry have tended to decrease the bore, and increase piston speed and compression. The result is that according to the S. A. E. standard a car designed years ago receives a high rating while a car designed recently according to the latest developments in the automotive arts,—with a far higher actual horsepower,—receives a low rating. Therefore there is real discrimination in taxation. Thus an Essex, more powerful than a Ford, has a much lower S. A. E. rating and therefore pays a lower tax in those states where horsepower is the standard for tax purposes.

One conclusion is certain. If the power of the motor is to be the criterion for tax purposes, a formula other than the one now used should be secured,—

a formula which will be an accurate method of measurement. Probably, however, any accurate test would prove impractical.

The second objection to the use of horsepower is that there is no necessary relationship between power and damage to roads. Just what factors enter into road damage have never been agreed upon, but certainly horsepower is not the only factor and it is possibly a minor one. A great deal depends on the blows the road receives. A cheap, rigid low-powered car which bounces over the road, rising and hitting it at periodic intervals, probably does as much harm as a heavy well-built car which rolls along smoothly. The type of springs is a factor of major importance. The type of tires also affects the result. A broad balloon tire will spread the shock over a comparatively large area and thus minimize it considerably. Much, of course, depends upon the nature of the road material. Weight will injure a soft road; con-

PRICE, HORSEPOWER, WEIGHT AND MILEAGE DATA

GASOLINE-DRIVEN PASSENGER AUTOMOBILES*

Car	*Price*	*Horsepower*	*Weight*	*Mileage*
Ford	$295	22.5	1,662	17
Chevrolet	495	21.76	1,785	20
Overland—91	495	19.6	1,905	20
Star	540	15.63	1,880	22
Gray	630	21.03	1,740	28
Oldsmobile	795	18.13	2,200	24
Essex	850	16.5	2,130	19
Maxwell	875	21.03	2,250	20
Durant	890	24.03	2,385	18
Rollin	895	16.9	2,300	25
Dodge	895	24.3	2,610	18
Gardner	995	21.76	2,495	20
Studebaker—E. M.	1,045	23.45	2,725	18
Jewett	1,065	25.35	2,806	16
Dort	1,095	23.44	2,595	20
Earl	1,095	19	2,570	22
Hupmobile	1,175	16.9	2,705	18
Chalmers	1,185	25.35	2,980	15
Overland—64	1,195	21	2,800	18
Moon	1,195	23.4	2,550	17
Nash	1,275	25.35	3,120	18
Reo	1,335	24.4	3,211	18
Apperson—6	1,395	23.44	2,885	20
Studebaker—E. L.	1,425	29.39	3,380	15
Chandler	1,485	29.4	3,055	15
Hudson	1,495	29.4	3,285	13
Jordan	1,775	26.3	3,100	14
Paige	1,795	33.75	3,675	13
Studebaker—E. K.	1,835	36.4	3,745	15
Franklin	1,950	25.35	2,530	20
Cole	2,175	33.8	3,675	12
Apperson—8	2,485	33.8	4,050	12
Packard	2,585	27.34	3,347	14
Marmon	2,895	33.75	3,600	12
Cadillac	3,085	31.25	4,280	12
Lincoln	3,800	36.45	4,290	13
Dorris	3,950	38.40	4,150	12
Pierce-Arrow	5,250	38.40	5,020	12
Locomobile	7,900	48.6	5,330	10
Rolls-Royce	10,900	48.6	4,800	13

*This table is based almost entirely upon figures supplied me by the individual manufacturers. In a few cases the figures were taken from the tables in the January, 1924, issue of *Motor*. The figures are for the five-passenger touring car. The prices do not include the taxes or freight.

cussion will injure a hard, brittle road material. There are too many variables to permit one to say that horsepower is a good measure of road damage.

The third reason for deprecating horsepower as a taxation standard lies in the absolute lack of relation between power and value. The following table illustrates this point clearly. The table is designed to show the price, horsepower, weight and mileage per gallon of gasoline of a number of representative cars. The cars listed probably include a majority of the machines now on the highways. (See page 645.)

A comparison of the data in the first two columns shows some interesting facts. A Ford under the S. A. E. test has a horsepower equal to most cars in the thousand dollar class. Yet its sales price is one-third as great. A Ford pays a tax as high or higher than cars selling for three times as much. Though a Dorris sells for thirteen times the price of a Ford, the horsepower is less than twice as great and the tax paid is less than twice as high. Based on price, the tax paid by Ford owners, where horsepower is the standard, is higher than for any other make. The inequity which exists when a nine-hundred-dollar Essex is taxed at three-fourths of the tax on a three-hundred-dollar Ford is obvious. A Locomobile pays about twice the tax on a Ford in spite of the fact that its retail price is twenty-seven times as high. Another obvious inequality lies between the Chalmers and the Hupmobile. The selling price of these cars is about the same, yet the tax paid by the owner of a Hupmobile is a third less than that paid by the owner of the Chalmers. A Paige has a horsepower rating of over thirty-three while a Jordan is rated at twenty-six. The selling price is about the same. A Dodge has a horse-power of twenty-four, an Essex of sixteen and five-tenths. The costs come within fifty dollars of being equal.

These illustrations show two points: (1) that as between cars of the same selling price, appreciable differences in horsepower as measured by the S. A. E. standard occur, and (2) that the horsepower of cars does not increase in the same degree as value. The higher the price of a car, the lower is the tax, if expressed as a percentage of the value. The Locomobile-Ford comparison is conclusive. The table shows additional examples in abundance, and no further proof seems necessary.

The first two objections mentioned,—the lack of a really practical horsepower test and the lack of relation between horsepower and road damage—need no further elaboration. The third objection, however, rests upon the assumption that the tax should be proportionate in some degree at least to the value of the car. This is the view taken by the writer. The justification, so far as one exists, is given farther along in the paper, where value is discussed as the basis for motor vehicle taxation.

If the horsepower fee is progressive,—that is, if the rate increases more rapidly than the base—the tax loses some of its objectionable features. This is the case in many of the states. The rate of progression is nowhere very marked, but the use of progression does indicate an attempt to adjust the tax to the value of the car. At best, however, this is an extremely roundabout way of getting the desired result. If the tax is to be proportional to value, the obvious solution is to place the tax upon value.

Where the tax is directly proportional to horsepower, there is really no excuse for its existence. In Pennsylvania and in six other states noted earlier, the tax is of this type. Here a tax is levied directly according to a standard which is really not a standard for the base is crude and variable. It is levied with no regard to road damage. It is levied with no regard to value. It falls on the driver of a low-priced car far more heavily than upon the driver of a Rolls-Royce. It is both arbitrary and capricious.

WEIGHT AS THE STANDARD

There is a very direct increase in the weight of a car as the price increases. The fact that one car costs more than another does not always mean that it weighs more. The tendency, however, is for weight to increase with an increase in price. The first and third columns of the table, giving the weight and price, show this tendency plainly. But there are many exceptions. For example, an Overland-91 sells for $495 but weighs more than either a Star or a Gray which retail at a higher price. The Gray in turn weighs less than the Star though the price is greater. Other comparisons indicate the same condition,—the Oldsmobile and the Essex, the Durant and the Dodge, the Dort, the Earl and the Jewett, the Overland and the Moon, the Studebaker-E. L. and the Chandler, the Apperson-8 and the Packard, the Cadillac and the Dorris.

The chief objection,—assuming of course that the tax should bear a relation to value—lies not in the minor differences in weight of cars of the same value, but in the fact that though weight increases with value, the rate of increase is not nearly as rapid. A Dorris weighs about two and one-half times as much as a Ford. Its price is about thirteen times as great. A light Studebaker weighs about three-fifths as much as a Dorris. The Dorris retails at nearly four times the retail price of the Studebaker. These illustrations are extreme, but many more can be given which show the same result, though possibly not to as marked a degree. To base the tax on weight is not quite as inequitable as to base it on horsepower. Yet the lack of equity is apparent.

Another reason exists for questioning the value of a tax based on weight. Does road damage depend directly on weight? There is probably a more direct relation between weight and damage than horsepower and damage. Too many factors enter, however, to permit one to say that as a rule, a heavy car injures a road to a greater degree than a light one. An expensive car which has been carefully built so as to eliminate strains will pound a road much less acutely than a rigid, cheaply constructed, light car. As related above, spring construction plays a real part in the way a road will be treated by a car. The mere fact that an expensive car has much broader tires, which distribute the weight over a greater area, lessens the damage. Of course, one cannot be didactic in a matter of this nature. Possibly this arm chair philosophizing is incorrect. But this much is true,—there is no other method to reach conclusions. Empiric tests cannot be made. Besides engineers are fairly well agreed on the points outlined here. And even were these conclusions inaccurate, taxation by weight would still be unjustified in all probability. There is little reason for assuming that the damage to roads would be exactly proportionate to weight in any case.

For the reason that road damage is not necessarily dependent on weight and also for the reason that there is no relation between weight and value, it seems unfair to employ weight as a basis.

CUBIC INCH DISPLACEMENT AS THE STANDARD

Connecticut uses cubic inch displacement as the base. This of course really is equivalent to horsepower as the S. A. E. horsepower rating is based on the cylinder capacity. The method is therefore as inequitable as taxation on the basis of horsepower.

GASOLINE CONSUMPTION

A tax which is rapidly gaining in popularity places a levy on the gasoline consumed. Over three-fourths of the states have seized upon a tax of this nature as the way out of taxation difficulties. No doubt the rest of them will avail themselves in the near future of this painless method of getting money.

Its popularity is no doubt based on the eternal verity that if one pays a tax in driblets, one really pays no tax at all. This form of taxation arises because of its distinct psychological appeal. What is a cent or two added to the cost of each gallon of gasoline? Nothing. Therefore the wide appeal. Of course large sums are to be raised by the tax. Many bond issues—typical is that now before the people of Kentucky—are to be paid out of the proceeds. So of course it will really be a heavy burden on the owners of vehicles. But its advocates have apparently succeeded in convincing the legislators that the tax is either burdenless or else gets the feathers without the squeal.

Aside from the psychological advantage—which is real—the tax does roughly measure the extent to which an automobilist uses the highways. If the right to use the roads is looked upon as a privilege, and the tax as a license, then the gasoline tax conforms roughly to equity. The more one uses the roads, the greater is the gasoline consumption. And the greater the gasoline consumption, the greater is the payment for the right to use the roads.

The rate charged for road privileges varies with every car, as even within makes, there are variations in the gasoline consumption per mile. Therefore the charge for the privilege of using the highways differs for every automobilist. Roughly it increases with the value, weight and horsepower of the car. But only roughly as the table printed above indicates. The fourth column of figures gives the average mileage for a group of representative cars. These figures are of course only averages. Much depends on the grade of fuel employed, upon road conditions and upon traffic. Variation on each side of the stipulated mileage—as high as three or even five miles—are experienced. However, the figures are sufficiently accurate for our purposes.

The figures show clearly the variations in the tax on automobiles. There is one rate for a Ford, another for an Overland, another for a Packard. As between Fords, to mention merely one make, there are variations in the rate charged. Some Fords will average twenty-two miles per gallon. Others fifteen. Clearly, then, the tax is quite arbitrary.

The tax also bears no direct relation to value. A Franklin often gives a higher mileage than a Ford, yet the Franklin sells for around two thousand. A Locomobile, selling for around eight thousand,—about twenty-seven times the price of a Ford,—pays a tax which is seldom twice as high. Further comparisons are so obvious that their statement seems unnecessary.

A tax on gasoline, then, has an element of equity in that it taxes drivers roughly according to the distance traveled. It is grossly inequitable as between cars traveling the same distance. Drivers of cars will all be taxed differently for the same privilege. Nor does the rate vary according to a uniform rule. With an increase in price, there is a tendency for the tax to increase as the higher priced cars have a higher gasoline consumption. The increase is not proportionate to the increase in price. The tax is distinctly regressive.

Another point may be made. The tax must be expressed in terms of cents on a gallon. No differentiation is made for the quality of the gasoline consumed. Cheap grades pay the same tax as superior grades. The variations in the price of gasoline often approximate twenty per cent. The tax rate varies with the quality of gasoline and the variation is equal to the variation in the price of the motor fuel. From this point of view, also, the gasoline tax is inequitable.

Another objection to the gasoline tax is that a great quantity of the gasoline is consumed on city streets. Yet city streets are not paid for out of state funds. Therefore the tax which is peculiarly justified as a privilege charge is levied on cars which are given no privilege. The theory assumes that a person should be charged a license fee proportionate to his use of the roads. Logically under this theory one who never uses the state roads should pay no tax on his gasoline consumption. Of course, the same argument may be made to any tax which is based on the special benefit theory. It is especially appropriate here, however, in view of the insistence of the advocates of the gasoline tax upon the principle that one should contribute to the upkeep of highways in proportion to use.

To sum up the objections to the gasoline tax: (1) it is arbitrary in that there is no necessary relationship between mileage and gasoline consumption, (2) as a tax on value it places a far heavier burden on the driver of a low priced car than on the driver of a high priced car, (3) the rate charged varies with the grade of gas consumed as it is expressed as a unit measure tax—a tax on quantity rather than quality, and (4) for many drivers, there is no special benefit from the tax though the tax is justified under the benefit theory.

Of course, the chief objection lies in that it bears so heavily on the poorer classes.

TAXATION AS PERSONAL PROPERTY

In three-fourths of the states, motor vehicles are taxed under the general property tax laws.

If the assessment is equitable, the general property tax conforms to value and is therefore not open to the criticism which has been leveled against most of the taxes on passenger motor vehicles. The practical objections to the taxation of motor vehicles under the general property tax, as well as the theoretical, are the same as exist against the general property tax itself. These have been thoroughly discussed in many places and there is no reason for going into them here.

The only question requiring discussion here is whether, in view of the many special taxes on motor vehicles, the general property tax should also be levied. One point is clear. Since all cars pay the tax, there is no discrimination between owners. All owners, if there is discrimination, suffer equally. To determine whether there is discrimination requires an inquiry into the theory of motor vehicle taxation. Is there any justification for taxing motor vehicles twice? Certainly there is abundant justification for taxing the machines as property. Motor vehicles are personal property and they should be taxed as such. But should the special motor vehicle taxes be looked upon as taking the place of the property tax? The special taxes rest upon the grant of special benefits. They therefore have a separate justification and may equitably exist along with the property tax. There seems no good reason for not applying the general property tax upon motor vehicles as property, and the special taxes upon motor vehicles on account of the special services provided their owners.

The property tax may be looked upon, not as a special motor vehicle tax, but as an additional tax—a tax not for a special but for a general benefit.

VALUE

A tax on the value of cars is based on the theory that taxes should be apportioned according to ability to pay. Probably the more expensive the car one is able to support, the greater is one's ability to aid in maintaining the government. The chances are that the owner of a Rolls-Royce is better able to pay taxes than the owner of a Ford. Of course, there is no necessary relationship between the value of cars and the ability of the owners to pay taxes, but in the majority of cases, a man chooses his car according to his income —and upon income depends ability to pay taxes. For a state to place motor vehicle taxes on the value is to appeal to the ability to pay theory for justification.

Yet the real justification for the special taxation of motor vehicles rests on the benefit theory. After all a state is justified in requiring special contributions from car owners—contributions above those required from other residents—by reason of the maintenance of special services for car owners. To ask these individuals to pay for these services in accordance with their ability to pay contains an injustice. Either roads should be constructed, maintained and policed out of the general state income or else they should be constructed from funds raised from car owners in accordance with the benefit they receive. Either there is a special benefit or there is no special benefit. If there is no special benefit, the special tax on car owners is unjust. If there is a special benefit, the tax should be levied according to the benefit received by each automobilist.

A special benefit does exist. A car owner is permitted to drive his car on highways, built and policed by the city or state, and therefore receives a definite amount of actual or psychic income from the state above that which another resident receives. Not only the automobilists, however, are benefited through the construction of highways. A direct benefit accrues to society as a whole. Highways unite the communities and thus make the social unit more compact. Intercourse becomes more free. People may mingle more intensely and with a more intense mingling probably comes a higher degree of thought and culture. Also, transportation rates are lowered as communication is made more easy, and, as a result, a greater volume of trade may be carried on. Further, commodity prices will fall with a cut in transportation costs. These results are merely several of a multitude of betterments—many of them intangible —which accrue from the creation of transportation systems.

Highway systems therefore serve a twofold function. They benefit directly the individual driver. Even more do they benefit society as a whole. The last function is the vastly more important. Properly to solve the taxation problem, therefore, requires both the apportionment of the cost of service among the taxpayers as a whole and among the automobilists as a specially benefited class.

So far as society is to contribute to the highways, ability to pay should determine the apportionment of the cost. This conforms to customary standards of equity. So far as the motorists are to contribute to the highways, the benefit received by each motorist should determine his share of the cost. This is also customary. To apportion the special tax on motorists according to ability, to *value*, violates justice.

There are, however, certain factors which justify taxation according to value in spite of the injustice noted above. In the first place, there is no method of measuring the special benefit which each motorist receives. Horsepower, weight, cubic inch displacement and gasoline consumption have already been discussed as the basis of apportionment. It was indicated that these methods levy the tax neither according to damage to roads nor according to the use of the roads, and that they are therefore inaccurate measurements of the special benefits. There really is no method of determining damage to roads. Neither is there a method of determining the extent to which roads are used. The fairest is gasoline consumption and this method is unfortunately inequitable as between owners.

In the second place, the exact burden which should be placed on automobilists as a special class can never be ascertained. Probably they shall always bear more than the special benefit they receive warrants. Since this is true, the more closely a tax on motor vehicles approximates ability to pay, the better will be the tax law. For when society as a whole is to bear an expenditure, then ability to pay is the rule recognized to determine the share of each individual. It may be noted in this connection that car owners represent fairly well the taxpaying class of the community.

In the third place, a tax on value will prove least burdensome on the individual motorist. If there is an injustice in the method, the injustice will not interfere with anybody's use of the roads, for each driver under the method will contribute according to his ability. In the fourth place, a tax on ability will discourage the use of the highways least. It will collect fees from drivers in accordance with their pocketbooks. The other bases levy a proportionately heavier burden on the poorer classes. This tends to decrease highway use. The more widely are the roads used, the higher will be the social development.

HOW HEAVY SHALL THE SPECIAL TAXES BE?

An important problem deals with the distribution of the tax burden between the community and the specially benefited motorist class. How much shall each group bear? The Motor Vehicle Conference Committee advocates a solution to the problem which is convenient, at least. Under this solution, the cost of construction would be borne by all the taxpayers, the cost of maintenance by the automobilists. Whether the solution is equitable is impossible to determine. The bare statement is not proof. And there is no method of proof, mainly because we are dealing with factors which are intangible. One point tends to minimize the importance of the question: the persons who own automobiles are probably those who have the greatest amount of wealth or income and therefore pay the bulk of the taxes under any system.

CONCLUSION

This paper is quite destructive. Every method of levying taxes upon gasoline driven passenger automobiles has been shown to be defective. There is, as a matter of fact, no ideal system. One must choose between evils. *Taxation according to value seems the least of these.* Chiefly because it bears least heavily upon the poor.

RECENT BOOKS REVIEWED

An Outline of Municipal Government. Readings in Municipal Government. By Chester C. Maxey. New York: Doubleday, Page and Co., 1924. Pp. xvii, 388 and xiii, 627.

The first of these two volumes is a general presentation of the usual problems of municipal government. The author says in his preface that, "The book is not designed to serve as an exhaustive treatise or a compendious work of reference . . . it is essentially an outline . . . a blue print. . . ." It thus supplies to the student, under proper and wise guidance, a set of general plans, or to the general public a digest, which unfortunately it does not find time to read.

Dr. Maxey has given as a thumb-nail sketch the problems dealing with the city governing itself. He has well divided his treatment into three topics: "Municipal Government," "Municipal Functions," "Municipal Finance." Each chapter is followed by an adequate working bibliography. The table of contents is well digested and presented although marginal notes are becoming more common and helpful. Several graphic charts giving the decentralized, strong mayor, commission, and controlled executive types of organization add much to the value of the volume.

The general thesis of the book is to offer suggestions which form a basis of extensive field observations under guidance. The author has not tried to compress into his three hundred eighty-eight pages the technical details of administration, nor review the numerous suggestions and remedies frequently proposed for the ills of the city. His treatment is a challenge to the student to investigate for himself.

Chapters III, The Structure of City Government, and V, The Civil Service, stand out prominently in his diagnosis. Chapter VII, The Administration of Justice, as the first one under the division of "Municipal Functions," is of doubtful value, but shows conclusively the influence of the recent investigations in Cleveland. Space forbids detail criticism, but I cannot let pass, and rather seriously doubt, his statement on page 33, "that under home rule Ohio has reached a position of undoubted leadership among the progressive states." The book is obviously, as well it might be, for consumption in the Middle West. The treatment of home rule, charters, public service, utilities, education, and finance would not lend itself to profitable lines of study on our western coast particularly.

In the companion volume of Readings the author has done a great service to students and teachers of municipal administration. Source material is difficult to obtain in sufficient quantity, hard to preserve for successive classes, and sketchy and unrelated at best. This volume contains a large portion of the chief documents (although not the latest obtainable at time of writing) relating to the major problems of municipal administration. The chapter contents parallel the first volume and add materially to the "Outline" treatment and discussion. The author is to be congratulated on the result of his selective process in the superabundance of material.

Taken together these two volumes form a base for the general reading and study of municipal administration and a distinct help in the further and deeper interest which the subject deserves.

Edwin A. Cottrell.

Stanford University.

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A City Plan for Springfield, Massachusetts. By the Planning Board, Springfield. Dated 1923; published 1924.

Comprehensive city plans are not yet so numerous that their appearance can go unheralded. Like many other new developments in the art of living, city planning is not yet standardized, which is fortunate, for with standardization progress is apt to be checked, and there is certainly opportunity and need for progress in the art of city planning. The report, *A City Plan for Springfield, Mass., by the Planning Board*, which appeared in August, though dated 1923, modestly states that it "is not quite comprehensive, as it was deemed inadvisable to report on the legal aspects of the Plan, or on how it should be financed, or its relation to the public utilities." However, these three phases seem more means of procedure than of the essence of the city planning problem itself, the solution of which, as has been well stated by the Hon. Edward M. Bassett, must be one that can be indicated on dynamic maps, that is, maps expressing present or intended official sanction.

This the effectively presented report for Springfield does in a thorough manner, its chapters on building zones, various means of circulation, water front, parks, playgrounds and public buildings being each accompanied by large plans.

The professional guidance secured by the Planning Board,—Technical Advisory Corporation, consulting engineers, and Frederick Law Olmsted, special adviser,—retains the triple point of view found so effective during the war by the United States Housing Corporation in the building of its towns, for each of which the committee on design normally included a civil engineer, an architect and a landscape architect.

In support of the widsom of the conclusions presented by the report, the methods of reaching them in each case are carefully described, with samples of the data maps, on which an extraordinary amount of more or less vitally relevant facts have been plotted. The necessity of doing something is brought home to the citizen by a striking series of paired photographs, showing great changes at identical points in Springfield with a lapse of only thirty-five years. Graphic charts and figures, though somewhat weakened by occasional apparent mistakes in computing, prove how city problems are multiplying in seriousness and how they may be minimized.

With the recommendation that Springfield's attitude towards the railroad problem should be "Wait" one must reluctantly agree. When her citizens feel the difficulties of the situation so that they hurt, some way out will be found, even if the municipal corporation has to do it itself.

For streets, parkways and parks the plan is more courageous. Here, as in other growing cities, radical improvements are vital to the city's welfare. Just as in the case of an expanding factory, a large investment must be made if the city plant of the future is to "deliver the goods."

Finally it is a relief to note that beauty again dares be mentioned. Fifteen years ago the "city beautiful" nearly killed the city-planning movement, because it was not correlated with the "city sanitary" and the "city economic." Gradually but surely the need of planning for health and convenience has made its way until to-day it is generally accepted. Art transforms these bare necessities into an inspiration, a perfect possession. For Springfield the Planning Board recommends carrying out a plan prepared by Olmsted Brothers and Helmle and Corbett for a civic center worthy of the beautiful beginning already made by the erection of her world-famous municipal group.

Zoning, the foremost recommendation of the plan, is now an accomplished fact. Certain street extensions, widenings and building lines have been actually undertaken. School sites and parks have been acquired in conformity to the plan. Springfield should continue to follow this admirable guide persistently.

ARTHUR C. COMEY.

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MUNICIPAL STREET CLEANING IN PHILADELPHIA. Published by the Philadelphia Bureau of Municipal Research, 1924. Pp. 109.

This publication, prepared by the Bureau of Municipal Research of Philadelphia, constitutes an analysis of the problem of street cleaning and refuse collection and disposal of that city together with an evaluation of the results attained during the first year of city-wide municipal operation of those activities. The task of preparing this analysis was undertaken by the Bureau early in 1923 at the invitation of Mr. Frank H. Caven, at that time director of the department of public works, and throughout the study the Bureau had the fullest co-operation from the head of that department and the personnel of the street cleaning division. These working conditions are of particular interest as they contributed materially in securing both an impartial and authoritative review of the situation. The text includes seven chapters dealing with the following subjects: Background and Outlook; Organization Plant and Equipment; Street Operations; Disposal of Refuse; Personnel Problems; Financial Considerations and Co-operation of the Public. The first chapter comprises a brief historical review of conditions attending the administration of street cleaning and waste collection and disposal under the contract system and the events that lead up the enactment of charter revision which permitted the city to undertake the operation of these important activities.

It also summarizes the more important observations, deductions and recommendations which were developed as a result of the study. In the subsequent chapters different technical phases of the street cleaning and waste disposal problem are discussed more in detail and a large amount of valuable information concerning the administration of these activities is presented.

The following excerpt from Chapter 1 well epitomizes the accomplishment in Philadelphia as recorded in this report:

> The change from contract to municipal operation was accomplished in a noteworthy manner, reflecting credit upon the higher officials of the department of public works, who have devoted themselves untiringly and at considerable sacrifice to the task, and upon the numerically inadequate group of supervisory and staff officials within the division of street cleaning, who carried a heavy load with a zeal that is most commendable. Equipment had to be acquired and assembled, live stock had to be purchased and provision made for its housing and care, shops had to be provided, and extensive arrangements made for the disposal of refuse. In this process a considerable amount of used equipment that was not very useful was purchased from the contractors at comparatively low prices. Above all, it was necessary to enlist the services of an operating force, many of whom were employed by the contractors up to the very day when the change was made, and to start this operating force under a new management without interruption to the service which the citizen expected. All this was done with dispatch and without confusion.

In the publication of this report the Philadelphia Bureau has made a notable contribution to the literature on street cleaning and waste disposal. It has also conferred a direct service on the public of Philadelphia by its clear and impartial presentation of the manner in which the vexatious problem of administering those important activities has been developed and the very creditable results accomplished.

W. A. Bassett.

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Public Personnel Studies, Volume II, Nos. 2, 3 and 4. Published by the Bureau of Public Personnel Administration, Washington.

The three numbers of Volume 2 of Public Personnel Studies which appeared in the summer of 1924 indicate that the experimental stage of this new publication has been successfully passed.

All of the 46 pages of the March-April issue were devoted to the statements of fact relating to the important subject of the selection of employees to fill high-grade positions in the public service.

The actual methods used by the various federal, state, city and county civil service commissions are reviewed in sufficient detail to enable any student of the subject to obtain a clear picture of the present practice in filling by competitive test positions in the public service ranging in annual salary up to $10,000.

A list is given of several hundred examinations held in different jurisdictions during the period from July 1, 1919, to June 30, 1923, showing in nearly every case the date of the test, salary range, number of applications accepted and the number appointed (down to the date when the data were obtained).

Among the conclusions reached in this study are:

> The success of the central employment agency in filling high-grade positions in the public service through open competitive tests may be attributed to the fact that it goes about its task with a qualified technical staff in a thoroughly systematic manner; more specifically:
>
> (a) It knows the sources of personnel supply for all sorts of positions, is acquainted with the technical journals and other publicity mediums through which openings can be called to the attention of qualified persons, has effective means of securing the co-operation of leaders in the profession or occupation concerned and in general has facilities for carrying on a recruiting campaign which no individual appointing authority can hope to equal.
>
> (b) It has a technically equipped staff familiar with the best methods that have been developed for discovering, formulating and testing desired qualifications in competitors and can secure the co-operation and assistance of persons high in the profession to an extent that most individual appointing authorities cannot hope to equal.
>
> (c) It has so completely gained the confidence of the general public, and where it has been established for any length of time, of administrators and prospective competitors that it can generally carry on the sort of recruiting campaign and give the sort of tests which experience shows to be most desirable without taking into account improper political, racial, religious, geographical, sex of family considerations.
>
> (d) It has developed a form of test (the so-called "unassembled examination") which embodies the best that has been developed in both the industrial and the public fields, which omits entirely the "written examination" on academic subjects to which many persons whom it is desirable to have in the public service properly object, and which reduces to a minimum the inconvenience to which competitors must submit in taking the test.

The two May-June numbers and of July, 1924, are more varied in their scope. In one or other of these numbers appear new features such as editorials, news notes, a book review and copies of actual answers furnished by the Bureau of Public Personnel Administration to inquiries made by civil service administrators.

The chief features are two complete tests submitted in such form that they are ready for use in the selection of in one case prison guards and in the other patrolmen. The suggested tests for patrolmen are reviewed at length elsewhere in this issue.

Each element in each test is discussed at length and the material is of such a practical nature that almost any commission could use it as a means of determining the presence or absence of desirable qualifications in appplicants for positions of the type in question. One test even includes methods for guaging the ability of a prospective policeman to observe and remember the license tag numbers of passing automobiles.

The July number also contains reprints of two addresses given on June 11, 1924 at the Detroit meeting of the National Assembly of Civil Service Commissions by members of the Advisory Board of the Bureau of Public Personnel Administration. That of Mr. Wm. Gorham Rice reviews the work of the Bureau during the preceding year while that of Mr. Charles P. Messick sets forth its plans for the ensuing year. These are followed by a copy of the resolution adopted at that meeting by the National Assembly defining its attitude towards the Bureau. This resolution expresses appreciation for the work done during the past 18 months and endorses the program of the Bureau for the coming year.

ALBERT SMITH FAUGHT.

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SUGGESTED TESTS FOR PATROLMAN. By Fred Telford and F. A. Moss, in *Public Personnel Studies* for July, 1924.

These tests represent the first attempt to lay down a comprehensive and logical method for selecting patrolmen. They are based upon a thorough study of the problem from many angles and good reasons are advanced for any departure from the usual practice. Among the larger civil service commissions of the country there are at present no less than fifteen plans of patrolmen examinations—varying in both subjects and weights—few of which have a rational basis. Any comprehensive plan, therefore, which is based upon a thorough understanding of police administration should be welcomed by civil service commissions.

The suggested tests cover a wider range than those employed by New York and Philadelphia; they also place a heavy weight on mental attainments as compared with those used in these two cities.[1]

The authors propose to give the written tests first (Tests 1 to 6); candidates qualifying in these to appear later for the oral interview and for the medical and physical tests. In actual practice it is found that the number failing in the medical and physical tests—which can be given at the rate of 250 a day—ranges from 75 to 80 per cent of the original applicants. With these facts in mind it appears that there is considerable advantage in continuing the present practice of holding the medical and physical examinations first.

The writer heartily agrees with the conclusion of the authors that too much weight has been given to medical and physical condition at the sacrifice of mental attainments. Repeatedly we have seen cases of consistent low mentality pulled over the passing line by a high physical rating. The question of height has many sides, but the desire to have men above the average has been expressed by many heads of police departments largely because of the idea that there is more respect and commanding influence derived.

There has been a distinct shift of opinion recently on the question of age. In recent years patrolmen between 21 and 25 have been inferior to those of the same age recruited prior to the war. A canvass made of this matter among sergeants on the Philadelphia force showed that 80 per cent would not have a man under 25. The invariable opinion of these officers was that the younger men were "indifferent" and "took little interest in police work." With the great number of applicants we have in these examinations, it would be possible to recruit our police force with men between the ages of 25 and 29, a range which would seem to meet all the objections thus far advanced.

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[1] A table comparing the range of suggested tests with those in use in New York and Philadelphia was omitted for lack of space. Copies can be supplied by the editor.

The army alpha test as one element in the written work appears to be as suitable as facts warrant at the present time, but it is still to be verified by using patrolmen of known ability. The proposal to use it to eliminate all candidates attaining a score of less than 65 is putting a large burden upon it, especially in its experimental stage. Bearing in mind that the recruiting field for patrolmen is unlimited, there is no one particular qualification—even including the kind of intelligence brought out by the alpha test—which we can put our finger on and say that it must be satisfied to make a satisfactory patrolman. This has been demonstrated time and time again in civil service examinations. It therefore would seem better practice to let the alpha score enter into the final average.

The two tests of observational powers and memory (Nos. 2 and 3) are the most important for the determination of eligibility for the police force. They should serve their purpose very well and mark a step forward in the present method of procedure. In Philadelphia the method of testing these qualifications is to bring the candidates into a room in small groups. After remaining in the room a short time they are brought back to their desks and required to write in free answer form a full description of the room, its contents and the location of all objects. Thus there is a combination test of observation, memory and report writing. This requires about four hours to apply to a group of 600 candidates, and the rating of papers requires about one week of two examiners' time, one checking the other. The proposed tests, therefore, require less time to conduct than any heretofore used and the method of scoring is much simpler than can be given by any free answer form.

Tests 4 and 5 relate to police duties, and the method proposed is very applicable. The questions, however, seem to be rather difficult for the ordinary timber that comes up for police examinations. Candidates not accustomed to concentrate or who have not clear comprehensive powers—both of which qualities are set up in the stress of an examination—would undoubtedly attain very low marks.

The use of the personal interview is very desirable. Few private employers would think of putting a man on the payroll at $1,850 a year—the average salary of patrolmen in eighteen of the larger American cities—without seeing him and getting a line on his personal qualifications. The danger comes in rating this subject. Appraising the intangible quality called personality is no small task, and it should be done only by those experienced in character study.

The test of character (Test 9) while placed last in the scheme is in reality the most important of all. The method of procedure suggested has been followed in Philadelphia and has worked well. The advantage of making the investigations just prior to certification and appointment lies in securing the most recent information regarding a candidate. Where four-year, or even two-year employment lists are in vogue, considerable time elapses between examination and appointment, and the candidate's record during this time is often such as to warrant scrutiny.

These tests as a whole are well balanced and have been very carefully worked out. For a three-hour exercise they contain an unusual amount of evaluating material which should be of considerable help to all civil service commissions.

Charles S. Shaughnessy.[1]

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[1] Chief Examiner, Philadelphia Civil Service Commission.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Garage Tax Based on Car Capacity Proposed for Cincinnati.—The taxing of public garages on the basis of car capacity is included among other possible sources of additional revenue recommended by Luther Gulick, director of the New York Bureau of Municipal Research, for Cincinnati, Ohio, in a recent report on the administration of the government of that city, prepared under the direction of the City Survey Committee. There is much to commend the development of this source of revenue, particularly as it would augment funds available for street maintenance and construction by an indirect tax on the user of the street. As pointed out by Mr. Gulick:

> The development of the automobile and the motor truck have revolutionized the street construction and maintenance problem in all of our cities. Revenue systems have not kept pace with the situation, so that motor vehicles today do not begin to carry their share of the new highway construction and maintenance costs which have been thrown on the community by the automobile.
>
> The state law of Ohio makes it impossible for a city to lay any additional license tax on automobiles. It appears, however, entirely feasible to achieve the same result by establishing an annual permit to maintain a garage. The legal justification of the permit is that the garage is a special fire hazard and that it requires special inspection. This is more than a technical justification; it is a well-recognized fact. At the present time public garages are taxed under the occupational tax ten dollars for the first fifteen cars' capacity, and one dollar for each car capacity in addition. While this may be a fair occupation or business tax, it does not to any extent compensate for street use. It is therefore suggested that every private and public garage be required to take out an annual permit to be fixed at three dollars for each car space. While this is a small charge for each motorist, it will bring in $150,000. This is based on the 1923 registration of passenger cars and trucks, which totalled 56,445, with an allowance of $18,000 for inspection and administration and for loss on the present occupational tax on public garages, which might perhaps be reduced to a flat ten dollars. Such a license tax would undoubtedly be legal, it would be productive, it would be simple and inexpensive to administer, it would facilitate the control of an important fire hazard, and would result in laying a small tax on the chief destructive users of public streets who are at present not paying what they should.

Improved Garbage Collection Method at Indianapolis.—Partial dewatering of garbage intransit from the point of collection to the disposal plant is a feature of the method of collecting this class of waste employed in the Sanitary District of Indianapolis, Indiana. Trucks and trailers are used for this work and the dewatering is accomplished by equipping each of the trailers with a perforated plate so placed over the bottom as to drain the free water in the garbage into a water-tight compartment. In commenting on this method of collection in a recent issue of *Water Works*, Mr. E. W. McCullough, consulting engineer, Board of Sanitary Commissioners of Indianapolis, states that:

> When a collector has filled his trailer about one-third full he draws up over a convenient sewer manhole and drains the free water from his trailer. The same process is repeated when the trailer is about two-thirds full. The trailer is again drained when it has received its entire load and is ready for connecting in train for haulage to the plant.
>
> After the garbage has been hauled to the reduction plant the water that has shaken out during the long trip by truck and trailer is drained off.
>
> Prior to installing these dewatering devices the department was flooded with complaints against the spillage of garbage water along the streets. This spillage caused both odor and fly nuisances and was a real menace to public health. Since installing the dewatering device no complaints have been received in spite of the fact that each 3½-yard water level capacity trailer now carries a load of 4 tons instead of the usual 2½ tons carried when the complaints were being received.
>
> In my opinion it is the free water content of the garbage that causes the rapid deterioration of the solid portion. This is borne out by the fact that since the campaign of dewatering was inaugurated the odors emanating from the receiving station have been reduced to a minimum, and it is remarkable to note the exceedingly fresh condition of the garbage at the time it is ready for dumping into the cooking tanks. Better results have been obtained at the plant since cooking the fresher garbage and the products are superior.

Excess of water in garbage contributes largely to the expense of most methods of final disposal. The Indianapolis experience apparently points the way to effecting a material reduction in this water content. It merits the careful attention of municipal officials.

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To Test Rubber Pavement on Bridge at Boston.—Two experimental sections of rubber block pavement have recently been laid on the draw span of a bridge in Boston which is subjected to extremely heavy traffic both of horse-drawn vehicles and motor vehicles of all kinds. As the traffic over these sections is confined in one case to motor vehicles and in the other to horse-drawn, the results of this pavement test should yield comparative information in respect of the behavior of this type of pavement under radically different traffic conditions. The paving comprises blocks six inches wide, twelve inches long and one inch thick. Under the paving is a layer of two-inch tongued and grooved plank to which the blocks are nailed, the planks being in turn spiked to the five-inch plank floor of the bridge. The paving blocks each have semi-circular lugs, one-fourth-inch thick, located two on each side and one on each end, which project out from the base of the blocks and fit into corresponding recesses in the adjacent blocks thus affording a sort of bond between the blocks. A rubberized cement is used to cement the blocks to the plank floor and also between blocks, and screws are driven through the semi-circular lugs as an additional precaution against movement. When the blocks are carefully laid the pavement thus obtained is practically watertight. It is stated that a crew of four men unfamiliar with the work laid the paving at the rate of 100 square feet per hour. With practice it is estimated that the entire work of laying should be considerably less than ten cents per square foot. This figure, of course, does not include the cost of the block, which at present is somewhat problematical. It is estimated that under present conditions the cost of this type of rubber paving in place would be about $14 per square yard. According to the Boston *City Record,* the blocks used on this section of pavement were furnished to the city of Boston without cost through the courtesy of the manufacturers of the blocks, the Wright Rubber Products Company of Racine, Wisconsin.

The experimental pavement in Boston has certain novel features, but the idea of a rubber pavement is by no means a new one. Different trials of this kind of pavement have been made with some measure of success in several European cities, but there has been no extensive application of its use, probably due as much to excessive cost as any other reason. The tremendous increase in the use of rubber for the motor vehicle tire and the large amount of rubber scrapped each year in the form of worn-out tires has stimulated effort directed towards developing some way of utilizing this material. If it is found practical to use it for pavement purposes, the economic value of this would be very great. It would seem quite probable that rubber pavements properly protected against slipperiness might be very useful, for example, as bridge flooring. The Boston experiment should furnish just the sort of information needed to base a sound judgment in this matter. Rubber has certain demonstrable advantages for road purposes and also certain disadvantages. Any idea, however, that it may prove to be the long-sought-for road material that will be universally suitable is not consistent with the facts of the case.

◆

Traffic Regulation in Germany.—Conditions in European cities in respect of motor vehicle traffic are admittedly not comparable with those in our larger American cities, but apparently they have become sufficiently serious in Europe to demand forceful action on the part of European municipal authorities. Certain of the measures taken by German authorities to protect the public against the hazard of motor vehicle operation, as outlined in the *Manchester Guardian Weekly* should be of suggestive value to officials in American cities who are grappling with this important problem. The practice followed by the German Government in this matter is in part as follows:

> In Germany a car has to be tested by the police and to receive a police permit as well as a number before it can be used at all. The brakes are tested with especial care. No one is allowed to drive without a license, which is only given to persons who have gone through a long course of instruction, both practical and theoretical, and have passed an elaborate test under the supervision of officially accredited experts. The test includes a medical examination, especially of the eyes.
>
> The penalties for infringing the regulations consist in the first place of fines varying from 1 to 150 marks (1s. to £7. 10s.), with the alternative of imprisonment up to six months, and in the second place of suspension or cancellation of the license.
>
> The speed limit in Berlin is 35 kilometres (nearly 22 miles) an hour for cars and 16 kilo-

metres (10 miles) an hour for lorries. All infringements are reported to a central office, where a kind of black-list is kept. Exceeding the limit is regarded as a very serious matter if it is repeated. The first offense involves only a slight fine, but repeated offenses may involve suspension of the license, or even cancellation, in which case the driver is precluded from driving a car for the rest of his life.

Every driver is compelled to drive in such a manner that he can stop dead whenever there is any obstruction. If he is near a herd of frightened cattle or a shying horse he has to slow down, or even to stop his engine altogether; otherwise he will be held responsible for anything that may ensue. If he is drunk while in charge of a car he is taken to a police station with his car, which is kept until the owner calls for it. If the offense is repeated his license is cancelled. The regulations for taxicabs are even stricter. A taxi driver, for example, is not allowed to smoke as long as he is in charge of a car.

There are entire districts from which all motor traffic is excluded. Thus the Grunewald, a region of villas, garden cities, lakes, and forest on the outskirts of Berlin, and a favorite haunt of children and Sunday crowds, never sees a lorry, car, or motorcycle. There is also a long and picturesque winding road that skirts the River Hazel which is barred to all motor traffic.

The fines for infringing the regulations appear lighter than they really are. Largely owing to the vigorous training necessary to obtain a license, the vast majority of German car owners keep professional chauffeurs. A fine of one mark is little more than a warning, but a fine of 150 marks means the loss of several weeks' wages to a professional chauffeur, and so may suspension of his license. Cancellation, a penalty that has become rather frequent for particularly flagrant cases of reckless driving, may, of course, mean ruin.

The new measures announced by the president of the Berlin Police will not only intensify the penalties already in force but will add new penalties which are chiefly aimed at those who drive their own cars and to whom a fine means little or nothing. It is proposed that the names of offenders shall be published on a special black-list, and that in the case of grave or repeated infringements the car shall be confiscated either temporarily or, in the worst cases, permanently.

The German courts have begun to sentence motorists for reckless driving to imprisonment without the option of a fine. A man driving a car above the speed limit along the crowded Kurfurstendamm killed a cyclist. He was sentenced to a year's imprisonment (without the option of a fine), and the judge said that the sentence was a mild one.

*

Improvident Use of Street Space an Important Element in Producing Traffic Congestion.—The improvident use of street space which prevails in practically all American cities at the present time constitutes, probably, the most important factor in producing the serious traffic congestion confronting those communities. Obviously the extensive use of the motor vehicle and its indiscriminate parking within the limits of public highways have most largely contributed to the improvident use of space, but there are other causes, notably, unsuitable highway design, which are factors in the present situation. Much has been written on the principles that should govern the administration of public streets in respect of preventing and relieving traffic congestion and there is no necessity of reiterating these. The practical application of these principles to specific conditions are, however, of timely interest and value, and an exceptional contribution of this character appears in a paper presented by Mr. Harland Bartholomew, of the City Plan Commission of St. Louis, at a recent meeting of the American Electric Railway Association held in that city. Mr. Bartholomew's comments on the improvident use of street space are, in part, as follows:

> The streets of the business district of St. Louis with few exceptions are 60 feet wide and have a normal capacity of four lines of vehicles. On these streets 2,500 cars may be parked. On an average day from 13 to 15 per cent of the number of standing vehicles are commercial. Pleasure cars alone occupy approximately 20 per cent of the street space. At a normal hour during the day moving street cars, providing transportation service for the general public, occupy but 1.5 per cent of the street space. During the rush hour, when every available square foot of roadway ought to be devoted to movement, parked cars still absorb 20 per cent of the roadway. The vehicular flow thus restricted and confined to narrower channels slows down to such an extent that from 50 to 100 more street cars accumulate in the district than should be there according to schedule. Two thousand vacant, standing automobiles cause the street cars, carrying 75,000 or more persons home from work, to lose from 5 to 15 minutes of scheduled time. It is estimated conservatively that parking during rush hours reduces the efficiency of streets in the business district to 36 per cent. This is a matter which cannot much longer be disregarded. The conditions of the rush hour to-day will be normal conditions a few years hence.
>
> Something over 52,000 vehicles entered the business district of St. Louis daily (11-hour period) in 1922. During the maximum hour by actual count there were 9,843 vehicles entered the business district, whereas there was only a total area available for parking 2,500 cars, or somewhat less than 25 per cent of the maximum hour arrivals. There is a parking limit of one hour in the St. Louis business district. Even if this regulation were strictly enforced during the

eleven-hour period but half the cars entering could be parked for the hour. As the volume of traffic increases, which is apparently a continuous process, and parking time is reduced, the proportion of parked vehicles to the total will become correspondingly less. Manifestly it is impossible to provide parking space in the streets of the business district of any moderate-sized city for the accommodation of all vehicles. Street space, therefore, should be put to the service of the greatest number. In Chicago it was found that passenger automobiles formed 51.3 per cent of the traffic volume entering the loop on a normal week day, but carried only 18.9 per cent of the passengers. Street cars formed only 2 per cent of the traffic and carried 74 per cent of the passengers.

As cities increase in size and traffic increases in even greater proportion, merchants will find that an ever-decreasing percentage of their customers are depending upon the automobile for access to the shops and stores. And for even this decreasing number there will be less and less unlimited parking space in nearby street areas. The demands of circulation will have to be met and can only be met economically by withdrawing the general privileges previously granted. It should be obvious that this is a measure to which all cities eventually must turn.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, ETC., OF NATIONAL MUNICIPAL REVIEW

Published monthly at Concord, N. H., required by the Act of August 24, 1912

Name of Stockholders or Officers	Post Office Address
Editor Harold W. Dodds	261 Broadway New York
Managing Editor (none)	
Business Manager (none)	

Publisher, The National Municipal League { Rumford Building, Concord, N. H.
261 Broadway, New York.

Owners (If the publication is owned by an individual his name and address, or if owned by more than one individual the name and address of each, should be given below; if the publication is owned by a corporation the name of the corporation and the names and addresses of the stockholders owning or holding one per cent or more of the total amount of stock should be given). The National Municiapl Review is published by the National Municipal League, a voluntary association, incorporated 1923. The officers of the National Municipal League are Frank L. Polk, President; Carl H. Pforzheimer, Treasurer; and H. W. Dodds, Secretary.

Known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities. None.

The National Municipal League. H. W. DODDS, *Editor.*

Sworn to and subscribed before me this 23rd day of September, 1924.

F. GEORGE BARRY,

Term expires March 30, 1925. Notary Public, Westchester County, Certificate Filed in New York County.

NOTES AND EVENTS

A Correction.—On page 381 of the July Review it is stated that William C. Beyer is the author of "Workingmen's Standard of Living in Philadelphia" and "Character and Functioning of Municipal Civil Service Commissions in the United States." Mr. Beyer calls attention to the fact that Miss Rebekah P. Davis and Miss Myra Thwing were joint authors with him of the former work and that Dr. William E. Mosher and Mr. A. H. Place were joint authors of the latter.

◆

League Officers Honored by City Managers' Association.—The new constitution of the City Managers' Association makes provision for honorary members, and at the Montreal meeting the following persons were named as the first to receive the distinction of being elected to this class: Richard S. Childs of NewYork City, vice-president of the National Municipal League and the father of the city manager plan in the United States; Augustus R. Hatton, charter consultant of the League and a member of the present city council of Cleveland under the city manager plan, and a nationally known expert on charter drafting; Mayor P. W. McLagan, of Westmount, Quebec, Canada, father of the city manager plan in the Dominion; and Col. Henry M. Waite, formerly president of the National Municipal League and the first city manager of Dayton, Ohio. These were proposed for honorary membership, as provided by the constitution, by five active members of the Association, unanimously approved by the executive committee, and by a majority of the active members present at the convention.

◆

Raymond V. Ingersoll Resigns from New York City Club.—It will be a source of regret to many readers of the Review and to all who are professionally interested in municipal research and civic betterment to learn that Raymond V. Ingersoll has resigned as secretary of the City Club of New York.

Mr. Ingersoll has accepted a position as impartial chairman of the trial board organized in the cloak and suit industry in and around New York City to settle disputes arising between the unions and the various associations of manufacturers, contractors and jobbers. The commission consists of Mr. Ingersoll and two other members, selected one each by the two sides involved. The chairman was appointed by Governor Smith and affords a promising opportunity for bringing peace to a much disturbed industry.

The City Club of New York will be the loser. Mr. Ingersoll has been devoting all his time to the civic projects of the club and had developed this side of the work to a high plane.

◆

Eleventh Annual Meeting of City Managers' Association.—The eleventh annual convention of the City Managers' Association was held in Montreal, September 23–25. It was attended by 65 active managers and by more than a hundred guests. As usual, the program was practical in nature, including such subjects as billboard regulation, merit system for employees, tourist camps, depreciation funds on city property and the city manager's part in elections and his relation to civic organizations. Features of the convention were addresses by W. R. Hopkins, manager of Cleveland; I. G. Gibbon, assistant secretary of the Ministry of Health and Local Government of Great Britain; and Sir John Sulman, chairman of the commission engaged in building the new capitol city of Australia.

The local arrangements and entertainment were excellent, and the secretary, John G. Stutz, is to be congratulated on the smoothness with which the program proceeded. C. W. Koiner, manager of Pasadena, was elected president for the coming year, and Grand Rapids was chosen as the place of the next convention.

◆

County Campaign Tactics Disapproved.—The following condemnation of the campaign tactics of certain county officers running for election has been issued by a committee of the Citizens League of Cleveland:

> This committee of the Citizens League believes that the practice of candidates for county offices taking advantage of their official positions and

their office staffs and office facilities to advance their own candidacies, or that of their political friends, deserves severe censure by the taxpayers and voters. We refer especially to the practice of posting campaign cards, photographs and other campaign literature in public buildings and offices under their charge, or of sending out such material in the county mails, or of utilizing the services of county deputies and assistants in distributing their postcards and placards during office hours. Such action not only is unfair to other candidates but it is actually campaigning for nomination at county expense.

This use of county services and of county facilities by public officials is an unfair advantage as well as a direct misuse of public funds. The county buildings and county offices are public property and should be respected as such by public officials.

This practice on the part of public officials has been a growing offense for some years, and will be given much closer attention by the Citizens League at future primaries and elections.

*

Los Angeles Sustains Municipal Power Project.—Those who read the article by C. A. Dykstra in the September REVIEW, entitled "Los Angeles Municipal Power Making Money at Low Rates," will be interested to know that the proposed $16,000,000 power bonds carried by 8 to 1 in the recent election. There was no organized opposition anywhere. The newspapers which before had fought the bonds, came over, because the railroad commission, as suggested in the article in the September number, had recommended their passage. Private utility corporations also kept out of the fight. It is possible to say, therefore, that, contrary to the report in the New York *Times* that Los Angeles has repudiated its power project, she has overwhelmingly endorsed its extension and betterment.

*

Canada's Public Debt.—According to a report submitted by Mackenzie Williams to the Bond Dealers' Association of Canada, the Dominion, provincial and municipal debt of Canada amounts to $4,236,538,435, a per capita debt load of $482 or 19 per cent of the national wealth. The Dominion debt is $2,512,126,559, provincial $674,411,876, and municipal $1,050,000,000. Since 1919 there has been a slight reduction in the debt of the Dominion, but the debt of the provinces has more than doubled and the municipal debt has increased 50 per cent. Annual interest changes amount to $231,403,357. To retire this aggregate debt within twenty years would require $375,000,000 a year in interest and debt charges, or seventeen per cent of the national income.

*

Illinois to Vote on New Amending Clause to State Constitution.—The Illinois constitution is notoriously difficult to amend. At present amendments can be proposed to but one article at a time, and to the same article only once in four years. But Illinois seems to be in a radical mood and her citizens will vote this month on an amendment to permit amendments to be proposed to not more than two articles at one time, retaining, however, the old four-year prohibition.

Those who drafted the proposed amendment seem to have repented themselves at once of their rashness and in compensation for their moment of recklessness added the proviso that no amendment shall be voted on while the United States is at war, or within one year following the declaration of peace.

If a majority of all those voting at the election record their votes in the affirmative, the amendment will be adopted. A failure to vote on this proposition, if you cast a ballot at the election, is a vote against it.

Due, perhaps, to some unfortunate caprice of nature, the present writer finds himself unable to share the joys of those who wish to see the amendment adopted or the fears of those who oppose it.

*

New York City Assessments Jump 1 1-2 Billions.—Real estate values in New York City are still going up. They have been going up steadily year by year without much relation to the change in the purchasing power of the dollar. The tentative assessment roll just issued by the Department of Taxes and Assessments for 1925 presents real estate assessments of $12,300,000,000. This does not include "special franchises" which are assessed by the State Tax Department and reported later in the year. This is an increase of one and a half billion dollars over the 1924 roll. Due to the New York tax system, personal property assessments are of minor importance. The tentative personal roll carries $844,000,000. This is an increase of some three million dollars over the tentative roll of last year.

The public hearing of complaints begins about October 15 and extends until November 15, for real estate, and until November 30 for personal property. Though there will be many complaints against the increased real estate assessments the total should not be reduced by more than six hundred million dollars. The bulk of this will be due to temporary exemptions granted to certain types of new housing construction in accordance with the housing emergency tax exemption ordinance. The total assessed value of dwellings exempted from taxation since 1921 is already $482,000,000. With the addition of the exempt new construction of the current year, the total will be $833,000,000. At the present tax rate of 2.74 per cent, the housing subsidy granted by the city in 1925 may be placed at $22,000,000. There should not be any very considerable writing off of the remaining real estate assessments because the ratio of assessed values to market values appears to be between 85 per cent and 90 per cent on the basis of a comparison of sale values with assessed values in Manhattan for the current year.

Under the New York tax law, debts are deductible from personal property assessments. Because of this, the personal property roll melts away like the first snow. Not less than 70 per cent will be written off the books before the taxes are levied. If as much as $233,000,000 "sticks," to use the technical term, the tax officials may congratulate themselves.

On the basis of these considerations, the final assessment roll including special franchises, may be placed at $12,280,000,000. This is 8 per cent higher than the present roll. If the budget which is now being prepared can be held down, there is a possibility that the tax rate for 1925 will be lower than at present. This would be welcomed by the taxpayers as well as by the administration, which faces an election in November 1925.

Luther Gulick.

✣

American Civic Association Notes

Capital Park Commission Established.—The bill which the Washington Committee of 100 on the Federal City, organized by the American Civic Association under the chairmanship of Frederic A. Delano, has been sponsoring for the creation of a Capital Park Commission passed congress and was signed by the president. The commission consists of Brigadier-General Harry Taylor, chairman; Colonel C. O. Sherrill, secretary; Major James Franklin Bell, Honorable Stephen T. Mather, Colonel William B. Greeley, Senator L. Heisler Ball and Representative Frederick N. Zilhman, all by virtue of their respective offices.

If the commission can secure annually from congress the full amount of the appropriations authorized under the bill, one cent for each inhabitant of the continental United States, or on the basis of the 1920 census $1,050,000, an adequate park system can be built up though some areas which seemed absolutely essential have been destroyed and can never be restored.

J. Horace McFarland, L.H.D.—The American Civic Association was honored through its president when, at the 141st commencement of Dickinson College, he was, on June 3, 1924, invested with the degree of L.H.D., which translates into Doctor of Humane Letters, or Doctor of Humanities. In the address of Dr. J. H. Morgan, President of Dickinson College, mention was made of Mr. McFarland's achievements as business man and in other social and public relationships.

George B. Dealey, LL.D.—Austin College, at Sherman, Texas, on June 4, 1924, conferred on George B. Dealey, editor of the Dallas *News* and a valued vice-president of the American Civic Association, the honorary degree of Doctor of Laws. Mr. Dealey has made the Dallas *News* an organ for civic improvement and his contribution to the progress of Texas is well recognized.

✣

City Managers Adopt Code of Ethics.—The following code of ethics, prepared by a committee composed of City Managers O. E. Carr, Louis Brownlow, C. W. Koiner and Frank D. Danielson, was adopted by the City Managers' Association at the recent Montreal convention:

> 1. The position of city manager is an important position and an honorable position and should not be accepted unless the individual believes that he can serve the community to its advantage.
>
> 2. No man should accept a position of city manager unless he believes in the council manager plan of government.
>
> 3. In personal conduct a city manager should be exemplary and he should display the same obedience to law that he should inculcate in others.
>
> 4. Personal aggrandizement and personal profit secured by confidential information or by misuse of public time is dishonest.
>
> 5. Loyalty to his employment recognizes that it is the council, the elected representatives of the people, who primarily determine the municipal policies, and are entitled to the credit for their fulfillment.

6. Although he is a hired employee of the council, he is hired for a purpose—to exercise his own judgment as an executive in accomplishing the policies formulated by the council, and to attain success in his employment he must decline to submit to dictation in matters for which the responsibility is solely his.

7. Power justifies responsibility and responsibility demands power, and a city manager who becomes impotent to inspire support should resign.

8. The city manager is the administrator for all the people and in performing his duty he should serve without discrimination.

9. To serve the public well, a city manager should strive to keep the community informed of the plans and purposes of the administration, remembering that healthy publicity and criticism are an aid to the success of any democracy.

10. A city manager should deal frankly with the council as a unit and not secretly with its individual members, and similarly should foster a spirit of coöperation between all employees of the city's organization.

11. No matter how small the governmental unit under his management, a city manager should recognize his relation to the larger political subdivisions and encourage improved administrative methods for all.

12. No city manager should take an active part in politics.

13. A city manager will be known by his works, many of which may outlast him, and regardless of personal popularity or unpopularity, he should not curry favor or temporize but should in a far-sighted way aim to benefit the community of today and of posterity.

*

Prosperity Returning to Street Railway Industry.—Operating statistics of the electric railway industry reflect the improvement which is restoring the street car companies in many cities of the country to the earnings status that prevailed prior to the war, according to F. R. Coates, of Henry L. Doherty & Co., in an interview recently published in the New York *Times*.

Operating revenues of the electric railways as cited from the records of the American Electric Railway Association, have increased 47 per cent. since 1917 and are now close to a billion dollars a year, Mr. Coates said. The operating ratio, or the ratio of expenses to earnings, which rose from 65 per cent. in 1917 to 80 per cent. in 1920, has fallen to 74.1 per cent. Last year sixteen billion passengers were carried—the greatest number in the history of the street car.

Another indication of the improvement is found in an examination of the receiverships over the last six years. The maximum was in 1919, when forty-eight companies, with 3,781 miles of track, went into receivership. By the end of 1923 the number of companies going into receivership had fallen to twelve with a total mileage of 333. In 1924 several companies, including one of the larger companies, emerged from receivership, making a further substantial decline.

Today, among the larger companies, only four —the Denver Tramways, the New York Railways, the United Railways of St. Louis, and the Kansas City Railway—are in receivership, and two of these are just waiting to complete the details of their reorganization.

Other signs of more prosperous times and a re-establishment of confidence of investors in electric railway securities are evidenced, according to Mr. Coates, by the issuance of more than $48,000,000 of traction securities in the first six months of this year.

*

A New Traffic Signal.—A new tower type traffic signal in which are inculcated many new and novel features has been developed by engineers of the General Electric Company at Schenectady, New York.

This device flashes red or green lights signifying "stop" or "go" at the operator's wish, or it can be set to automatically flash these signals at stated intervals without being operated by an officer, thus particularly adapting itself to intersections which are congested for only a short time during the day or night, or for cities where the traffic is not heavy enough to warrant a traffic officer.

It can be set to flash an instantaneous light of the beacon signal type for districts where traffic is light. If desired it can also be regulated to show four orange colored lights which are non-flashing but visible from four directions.

A very meritorious feature of the signal is the light under the dome at the top. This casts a white light down upon the officer, thus insuring his safety and at the same time illuminating the standard in order that motorists can avoid running it down.

When set automatically, it will flash 80,000 times every twenty-four hours or 32,000,000 times per year. Because of this vast number of times that the electric circuit must be made and broken, contacts are made by the use of mercury enclosed in a vacuum tube, thus eliminating the possibility of their becoming stuck or burned out.

One of these devices has been installed at the intersection of State Street and Broadway at Schenectady, which is the home of the General Electric Company.

John J. Birch.

Schenectady, N. Y.

Wisconsin Better Cities Contest.—The common denominators of what makes a good place in which to live have been worked out by the various departments of the University of Wisconsin, the bureaus of the University Extension Division and the state departments of Wisconsin. These compiled in ten units are the basis of the scoring schedule by which cities are to be judged in the State-wide Better Cities Contest, which is being conducted by the Wisconsin Conference of Social Work.

Twenty cities are contesting for the honor of being the one best place in the state in which to live and work. The contest opened on June 3, 1924, at the annual meeting of the Conference. It will close June 30, 1925.

Cities contesting are divided into two groups, *e.g.*, cities from 10,000 to 60,000 population and cities from 3,000 to 10,000 population. The obvious reason for this division is to secure competition and comparison among cities of relatively the same population size.

One prize for each group is offered. A prize of one thousand dollars is to be given to the winner in the first mentioned group and a five hundred dollar prize to the winner in the small group.

The basis of award will be superiority in total points gained in accordance with the scoring schedules. The ten activities forming the units of measurement are education, health and physical development, social welfare, library, industry, town and rural relations, city beautiful, recreation, public administration and religion.

The award will be given to that city possessing the largest group of opportunities in each of these fields.

Five judges, from fields sufficiently large so as to cover the whole ten activities, will make a study of the scoring schedules sent in by each community and make a personal visit to each contesting city as a basis for their decision.

Cities will make out their own scoring schedules and submit them with any other evidence which, in their estimation, will aid the judges in making their decision.

Copies of the various scoring schedules or general plan of the contest may be had by writing to the Wisconsin Conference of Social Work, Aubrey W. Williams, Executive Secretary, University Extension Building, University of Wisconsin, Madison, Wisconsin.

Aubury W. Williams.

Cost of City Government in New Jersey.—A compilation of costs of government in the cities of New Jersey has just been completed by Sedley H. Phinney, secretary of the New Jersey State League of Municipalities. For the entire group of cities the expenditures in 1917 were $32,090,427.50. Six years later in 1923 the expenditures were $56,201,206.10.

The average cost of city government for every man, woman and child in this group was $18.10 in 1917 while in 1923 this per capita cost had risen to $28.20.

In issuing the figures Secretary Phinney stated that per capita costs had been figured for all cities instead of using tax rates, because they are thought to be a more reliable criterion by which to compare, since tax rates are affected by the percentage of true to assessed valuations and these are very irregular thoughout the state. Per capita costs give a good basis for comparison except in the case of shore resort cities in which the presence of large floating populations not counted in the census figures increase per capita costs. For example, in 1924 the average per capita cost for the shore cities is $77.50 and in the non-resort cities the average is $30.50. The average for the whole group in 1924 is $30.10.

In the non-resort group of cities Plainfield has the highest per capita cost of government in 1924, being $48.60, computed on the 1924 budget and the 1920 population. The following are also high: Bayonne, $42.80; Hoboken, $38.60; Jersey City, $37.80; Newark, $34.70; East Orange, $34.30.

Among cities showing the lowest costs are Bordentown, $7.90, and Beverly, $10.50. Among the first fifteen largest cities Orange is the lowest per capita with a figure of $21.00. Others are Trenton, $21.40; Camden, $22.24; and Paterson, $24.00.

Additional tables show the distribution of these costs between various functions of government, namely police, fire, cleaning and maintenance of streets, collection and disposal of refuse, street lighting, public health and parks and recreation. For the entire municipal group, including cities, towns and boroughs, police expenditures are 15.5 per cent of the total in 1924. Fire department costs are 12.2 per cent of the total.

Figures recently presented by the United States census bureau indicate that per capita costs of government in cities all over the country have about doubled in the last ten years and

New Jersey cities are quite comparable with the others.

◆

261 Cities Now Zoned.—Approximately 24,000,000 people, living in 261 municipalities throughout the United States, are enjoying the benefits of zoning, according to statistics compiled by the division of building and housing of the department of commerce. The greatest zoning center is in the territory in New York state and northern New Jersey, having New York City for its hub; other centers are in California, Ohio, Massachusetts, Illinois and Wisconsin.

Secretary Hoover, in a recent statement, characterized properly drawn zoning ordinances as "reasonable, neighborly agreements as to the use of land." They divide a city into districts in which are limited the use to which land and structures may be put; the height and number of stories of the buildings; and the areas of the lots to be occupied by the buildings. Their professed object is to regulate the use of private real estate for the purpose of promoting health, safety, morals and the general welfare of the entire community.

That the idea has made a strong appeal to the American people is shown by the rapid spread of zoning. On January 1, 1923, there were only 129 zoned cities, towns and villages. The first comprehensive effort to zone was the passage of a zoning ordinance by New York City in 1916; although Los Angeles, Calif., passed a "Use" ordinance in 1909, and Boston, Mass., regulated the height of buildings in 1904.

Cities, towns and boroughs throughout the country generally are showing more than a passing interest in zoning. Where authority is granted, various municipalities are actively engaged in the solution of their zoning problems with enthusiastic zoning commissions and auxiliary committees at work. Even where state legislation does not authorize zoning, various public-spirited and progressive organizations are studying the local situation so that when zoning can be effected legally, much of the preliminary work will be finished.

New Jersey leads in the number of zoned municipalities, having 66; New York has 41; California has 33; Illinois, 25; Massachusetts, 24; Ohio, 16; Wisconsin, 13; Indiana, 5; Michigan and Missouri, 4 each; Iowa and Rhode Island, 3 each; Florida, Michigan, Oklahoma, Pennsylvania, Virginia and Washington, 2 each; and Arkansas, Colorado, Connecticut, Georgia, Maryland, Nebraska, North Carolina, North Dakota, South Carolina, Tennessee, Utah and the District of Columbia, one each.

Thirteen of the states that have enacted zoning legislation since January 1, 1923, have used all or a substantial portion of "A Standard State Zoning Enabling Act," which was prepared by the advisory committee on zoning of the department of commerce to serve as a model for those desiring to introduce zoning legislation in their states. The great care used in the preparation of the Standard Act had much to do with its favorable reception.

During 1925 the legislatures of 34 states will meet, most of them early in January, and it is expected that zoning legislation will occupy a prominent place on the legislative calendars. In nine of these states which have not as yet passed zoning legislation, various groups plan to have zoning enabling acts considered early in the sessions. In some of the other 25 states, which now have zoning laws, plans are being made to extend the application of their acts since they grant the privilege of zoning only to single cities or specific groups.

The complete list of zone municipalities can be secured from the Division of Building and Housing, Department of Commerce, Washington, D. C.

NATIONAL MUNICIPAL REVIEW

VOL. XIII, No. 12 DECEMBER, 1924 TOTAL No. 102

DIRECT PRIMARY LITTLE USED IN COUNTY ELECTIONS IN IOWA

BY WARREN L. WALLACE

Iowa State Teachers' College

THE Iowa law designates the first Monday in June as the time for the primary election held for the purpose of selecting candidates for township, county, and state officers, as well as for the congressional positions.

A brief survey of the last primary election was made to ascertain certain facts such as the extent to which the primary is really used by the people in the selective process; how many candidates enter the field; and the number of real contests for the county offices. Reports were received from 59 of the 99 counties of the state and from these the following compilation was made.

The total number of offices listed for the 59 counties is 413 exclusive of the members of the board of supervisors. Out of this number the Republicans had contests in 175 and the Democrats in 28. There were 217 offices for which the Republicans had only one candidate in the field and 194 in which the Democrats had but one candidate. For 21 offices the Republicans had no candidates whatever and for 191 the Democrats had none.

The largest number of contests were for the offices of sheriff and county attorney. The sheriff's office carries with it a compensation specified by

TABLE SHOWING NUMBER OF CONTESTED AND UNCONTESTED NOMINATIONS FOR COUNTY OFFICE.

County Office	Party	Number of Counties With Contests	Number of Counties Without Contests	Number of Counties Without Candidates
Auditor	Rep.	20	37	2
	Dem.	2	34	23
Treasurer	Rep.	23	35	1
	Dem.	2	31	26
Clerk of Court	Rep.	20	38	1
	Dem.	0	32	27
Sheriff	Rep.	42	17	0
	Dem.	15	28	16
Recorder	Rep.	26	32	1
	Dem.	2	30	23
Attorney	Rep.	33	25	1
	Dem.	2	23	34
Coroner	Rep.	11	33	15
	Dem.	1	16	42

law, but there is in addition to this a certain income that is derived chiefly from the board of prisoners and from mileage allowances. The county attorney also receives a stated salary which is determined by the population of the county. In addition to this there is an almost equal amount that comes from fines and the serving of papers, making the office a reasonably attractive one from point of view of the financial return. These conditions probably have some bearing on the large number of contestants for these places.

In ten of the counties there was not a single Democratic entry. An explanation of this situation may be found in the fact that there have been only two Democratic victories in these ten counties in the elections held in 1910, 1914, 1916, 1918, and 1920. Naturally, the Democratic contests occurred in the counties where the Democrats have been successful or have shown considerable strength.

So far as the Democrats are concerned, it may be said that the primary serves no serious purpose. If the ratio for the entire state continued the same as in the number of counties reported, they would have made use of it as a nominating process in only about 5 per cent of the offices. On the other hand, the Republicans who carry most of the counties did not crowd into the primaries. For far more than one-half of the places there was no contest, although in many cases the nomination constitutes an election.

It is clear that the primary is not in active use in county elections in Iowa.

THE FIXED QUOTA FOR USE IN PROPORTIONAL REPRESENTATION

BY EMMETT L. BENNETT
Cleveland

The fixed quota is recommended as preferable to the standard formula of the Hare Systems. :: :: :: :: :: :: ::

Charter draftsmen who are to incorporate proportional representation into their works should well consider the definite fixing of a quota, rather than the use of the standard formula for determining a quota to elect a fixed number of persons. They may find reasons in its favor sufficient to conclude their choice.

MORE READILY UNDERSTOOD

In one aspect it is greatly preferable, namely, the ease with which the quota can be explained. For, simple as the principle is which underlies the standard formula, it manages to mystify great numbers of voters whose minds are not to be diverted from it to the questions of judgment upon which they should vote. In the Cleveland campaign an unconscionable amount of effort, absolutely and in relation to that devoted to other topics, was spent upon the justification of that formula. Speakers, writers, demonstrators, of all degrees of technical competence, endeavored to spread the understanding. In despite of their exertions many an elector emerged from the struggle without mastering it, and without having given his best attention to the less irrelevant subjects before him. If the charter avoids this by definitely stating that whoso gets a thousand, or five thousand, or another fixed number of votes shall be elected, the task of familiarizing the electorate with the mechanics and merits of proportional representation may get under way with more than half of its terrors dissipated.

It is not a disadvantage that with a fixed quota the number elected might vary from election to election. Indeed, such a variation would mirror constantly and precisely the degree of civic interest or lack therof on the part of the voters. The congregation of nonvoters could more clearly see the fruits of their own indifference in the shape of empty seats than they do when the same number are elected by a small turnout as by a large. The voter would by the same token be incited to make and mark as many choices as he conscientiously could, since the becoming ineffective of his ballot would then show up in a reduction of the number of persons elected, whereas under the standard formula it merely gives the electing power to a smaller number. Thus a number of candidates were successful in the Cleveland election who did not receive the full quota.

VALUE OF A VOTE DOES NOT VARY

In a city so large as to be divided into districts the fixed quota will automatically keep the value of a vote upon a parity in all districts. The usual formula is more than likely to give a different weight to a vote in each district. The difficulty of apportioning the city in the first instance, the difference of voting habits, the different rates of growth, the different quota factors due to differences in numbers elected, all make against success for any attempt to keep the value of an individual vote equal throughout the city. Thus the four Cleveland districts had each a different quota, two approximately equal, another about two thirds as high, and the last about five eighths as high as the first two. It meant that in the two high districts it took eight voters to exercise as much influence as did six or five respectively in the others. In any city which is not divided into districts such a situation could not arise under either formula.

The use of a fixed quota involves one slight change in the counting rules, besides eliminating the directions for calculating the quota. It is easily conceivable that in the counting process the continuing candidates might be reduced to one or two, each having close to the quota, but not the full number. It would seem better in such case to determine upon a major fraction of a quota which should suffice to elect, rather than to defeat a candidate for want of but a few votes. The rule to take care of the situation is easily devised according to the preferences of the parties concerned in drafting the charter.

WHY THERE SHOULD BE AN ASSISTANT CITY MANAGER[1]

BY C. W. KOINER

City Manager of Pasadena, California

In a busy city the manager's time is largely consumed in planning, financial supervision and meeting the public. On the operating side there is need for an assistant. :: :: :: :: :: ::

THE need for an assistant city manager has been apparent for some time, especially in a city doing a large amount of work. The need is not so evident in a small city where the manager can engage all necessary assistance without designating any particular one as assistant city manager.

However, in the larger cities where the city manager is charged with the administration of all departments, the demands upon his time are such that it is imperative he have assistance. It has always been considered that the heads of departments are assistants to the city manager, but there seems to be a need for someone designated with authority to act in the absence of the city manager, and in conjunction with him in handling certain departmental matters.

ASSISTANCE IN CO-ORDINATING DEPARTMENTS

In Pasadena the city manager is responsible for the administration of all departments except the library and legal department. This responsibility includes two utilities,—electric light and power and water departments,—city farm, rock crushers, incinerator and sewage disposal works, besides force account work in the public works department, which employs constantly two steam shovels on the public work that is now under way. The city has over 1,000 acres of parklands, which are being improved from year to year. There are seventeen departments of the city under the direction of the city manager, consisting of thirteen heads and from 1,000 to 1,200 employees, who require not only the constant attention of their heads, but other assistance that may reasonably come from the co-operation and help of the assistant city manager. It has been our policy to consolidate departments as much as possible. All department heads report directly to the city manager. Weekly conferences are held with the heads of departments. The city manager makes it a point to see the public at least two hours a day, his secretaries handling the details with the public as far as possible. He also meets with the board of directors at all meetings. I am referring to Pasadena only as a concrete example.

Our assistant city manager is at the present time in charge of the supervision of plans for and the erection of five civic buildings, namely, City Hall, Central Library, Auditorium, Branch Library and Central Police Station. These buildings are all being planned by architects and soon will be under construction. They will require a large part of his time.

The assistant city manager also is in charge of the sewage disposal works, the construction of which he supervised. He has also been in charge of the reconstruction of an incinerator.

He occupies the position of chairman

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[1] Read before the League of California Municipalities, October 8, 1924.

of the city safety committee, comprising the city engineer, chief of building inspection department, chief of police, chief of fire department, and a representative of the chamber of commerce and one of the automobile association. The purpose of this committee is to study traffic conditions in the city and make recommendations.

THE MANAGER PLANS; THE ASSISTANT HELPS OPERATE

The work such as the assistant city manager in Pasadena is doing must necessarily be done by someone, whether designated assistant city manager or not, and in those cities with a similar amount of public work under way there is someone who has to do the work of the assistant city manager, whether he is put in this classification or not. For particular reasons some cities refrain from establishing another office in connection with the manager form of government. The public must be made to see the importance and the need of this office. The city manager can get along without an assistant but he will designate some of his heads or employ additional help to do the work that the assistant city manager would do if the office were established.

The municipal corporation is, itself, usually the largest corporation within the city limits. In our own city the amount of money involved in administering the city's business the past year was $9,323,211.09. This includes utilities, bond moneys and all public improvements, etc.

The municipality's business is greatly diversified. Constant attention must be given to the operative departments, and it is no small matter to look after the city's finances, and when the time that has to be given by the city manager to the general public is taken into consideration, there ought not to be any question whatever as to the rightful place of an assistant city manager in the organization.

In some cases the assistant city manager can be put as the head of a department. He is of considerable value to the organization where he can be put in charge of the direction of new activities, and in aiding and helping heads of departments, improving the operation of their respective departments. Eternal vigilance is the price of efficiency.

A TRAINING GROUND FOR MANAGERS

It is an advantage to larger sized cities to have in their organization an assistant city manager, who can take the place of the manager in his absence or in case of resignation. It is embarrassing to a city to have to cast about for a new manager at times, and it is a great advantage to have one who is trained in the city's service. Therefore, it seems the time is opportune to establish the office, convincing the public as to its need, apprising them of the fact that we already spend the money for the service in extra help when we employ a special engineer or engage special service, even if we do not establish the position of assistant city manager.

The city manager owes it to the profession to improve it in every possible way. He should aid in the training of an assistant, not only to take his place if it should become vacant, but to fill the position of manager in any other city to which he might be called. It is well known that there has been a crying need for trained city managers because of the rapidity with which this form of government has grown. The success of this form of government depends largely upon the ability and the service rendered by the manager first engaged to administer the affairs of the city adopting this form of government.

The pertinent part of the ordinance providing for an assistant city manager in Pasadena is as follows: "The incumbent of said office shall perform such duties as may be assigned to him by the city manager, and in the absence or disability of the city manager shall act in his place and stead. In such matters as may be delegated to him by the city manager, the assistant city manager may, in the name of his principal, execute and sign such official documents as may be necessary to carry out the duties so delegated."

PRESENT STATUS OF ZONING IN MISSOURI

BY HARLAND BARTHOLOMEW

City Planning Consultant, St. Louis

The St. Louis Zoning ordinance was declared unconstitutional by a divided court and property owners must resort to the expensive, piecemeal method of injunction suits, upon which, curiously enough, the supreme court seems to look with favor. :: :: :: ::

THE four to three decision of the Missouri supreme court invalidating the St. Louis zoning ordinance has produced a chaotic condition in St. Louis as well as in other communities of the state. The opinion of the four majority members of the court, rendered October 6, 1923, left much doubt as to what had actually been decided. Careful reading of the majority decision implied that the St. Louis zoning ordinance had been declared invalid because the city possessed insufficient authority to enact such an ordinance. A strong motion for a rehearing was again asked by the city on the ground that prior decisions of the court not cited previously in the zoning cases clearly showed that St. Louis enjoyed sufficient delegation of power to enact a zoning ordinance. On November 20, 1923, Judge Graves rendered an opinion, concurred in by three of the six other members of the court, wherein it was admitted that St. Louis enjoyed sufficient delegation of the police power to enact a zoning ordinance, but denying the validity of the ordinance on the ground of unconstitutionality. Particular stress was laid upon the fact that the constitution of Missouri differed from that of the United States and from many other state constitutions in that the private property clause contained the words "or damaged," this particular clause of the constitution reading "private property shall not be taken *or damaged* for public use, etc."

SPECULATIVE BUILDING STIMULATED

The effect of the decision in St. Louis was to release a flood of speculative building. It has done incalculable damage to neighborhoods and districts that had been solely dependent upon the zoning ordinance for protection and stabilization. A conservative estimate of the damage done by inappropriately located stores, filling stations and apartment houses would amount to several million dollars. The result of this has been to strengthen the public demand for zoning, provisions for which it is exceedingly difficult to draft in such form as will presumably meet the views of the majority members of the court as expressed in their last two decisions.

Kansas City and several small

suburban communities about St. Louis have passed zoning ordinances under authority of special legislative acts secured previous to the supreme court decisions in the St. Louis cases. These communities are still enforcing their ordinances. While they have succeeded so far in keeping cases out of the supreme court it is doubtful if the court will take any different stand with respect to these ordinances, for the court presumably must repeat what it said in the St. Louis cases, inasmuch as the state constitution can not logically be interpreted to apply differently to different communities in the state.

THE INJUNCTION UTILIZED

The flood of speculative building in St. Louis forced private property owners to resort to various means of protection. An ordinance was introduced in the board of aldermen proposing special permits for all garages and oil filling stations depending upon neighborhood property owners' consents, but the city law department advised against its passage in view of previous supreme court decisions against this character of local legislation. The only apparent protection possible appeared to be resort to injunction proceedings, and this instrumentality has been widely and effectively used. Oddly enough the supreme court seems to look with the kindliest favor upon injunction suits, and has sustained several such injunction suits brought by property owners. Likewise the lower courts have been inclined to protect the rights of private property from invasion by various uses, even though those uses are admitted by the lower and higher courts not to be nuisances *per se*. In one case, *Turemen, et al.*, vs. *Ketterlin, et al.*, the supreme court sustained an injunction brought against the operation of an undertaking establishment in a residence district on the ground that it tended "to destroy the comfort, well being, and the property rights of the owners of homes therein." Other undertaking establishments and filling stations have been successfully enjoined from operating in residence districts.

It will be remembered that one of the leading cases against the St. Louis zoning ordinance was *Penrose Investment Co.* vs. *the City of St. Louis*, wherein it was desired to build an ice manufacturing plant in a district zoned as residential. Following the setting aside of the St. Louis zoning ordinance by the supreme court in November, 1923, the Polar Wave Ice and Fuel Company secured building permits and proceeded to erect a $250,000 electrically driven ice plant. Construction on the building was hastened. Meanwhile the owners of the many small homes in the neighborhood, being themselves unable to finance an injunction proceeding, sought the assistance of the St. Louis Chamber of Commerce, whose board of directors authorized their attorney to protect the interests of the home owners. The ice plant was just about completed excepting only the roof, machinery installed and the building practically ready for operation when an injunction against its operation was granted by the circuit court. This case undoubtely will be appealed to the supreme court, as have most of the other injunction proceedings.

SUPREME COURT AS A ZONING COMMISSION

It will thus be seen that the supreme court of Missouri has set itself up practically as the zoning commission of all the communities in the state, itself preventing invasion of residence districts on the same grounds as zoning ordinances, but nevertheless denying to local councils the right to legislate in these matters. It is difficult, if not prohibitive from the standpoint of expense, for all property owners to be sufficiently alert to protect their property from deteriorating influences, particularly where invasions of an insidious and apparently less harmful nature take place. Where no comprehensive plan for the regulation, use and development of property exists great uncertainty must arise as to suitability of development at any given time, and little permanent constructive building can be expected. Certainly no great and lasting city ever was or can be satisfactorily built upon injunction proceedings. The only opponents of zoning that ever existed in St. Louis were the speculative builders and a small proportion of the real estate fraternity. Public sentiment is stronger than ever in favor of zoning, and it is hoped that gradually the courts will come to realize, appreciate and sustain what is certainly supported by the preponderance of public opinion.

Numerous conferences have been held looking toward means of securing zoning practices that will meet with the favor of the courts. The close division of the court has caused a widespread difference of opinion among attorneys best qualified to give advice in the present emergency. Some advocate a constitutional amendment. Such an amendment was submitted to the voters of the state as a part of the new state constitution at an election in February of this year. Unfortunately the zoning clause was not a distinct issue, but merely a part of one section dealing with municipalities which was overwhelmingly defeated for other reasons. Zoning was not a sufficiently great issue in the larger rural sections of Missouri to gain sufficient support for the passage of this amendment, even though it did carry by substantial majorities in St. Louis, St. Louis county and Kansas City. At the present time it is proposed to submit to the coming legislature a new zoning act modeled after that of the standard zoning enabling act prepared by the United States Department of Commerce, under which it is hoped that operation of the board of appeals and provision for certiorari procedure will make possible the same degree of protection in Missouri cities as is now enjoyed by the citizens of communities in our neighboring states of Kansas and Iowa, as well as in Wisconsin, Pennsylvania, New York, Massachusetts, Louisiana and California, the supreme courts of which states have sustained the zoning principle.

GARBAGE AND REFUSE DISPOSAL A MATTER OF CLEANSING RATHER THAN HEALTH[1]

BY M. N. BAKER

Associate Editor, Engineering News-Record

The cleansing service is primarily a question of adaptability and cost. Methods of collection, transportation and disposal are not related to health. It should be entrusted to the public works department.

Public health and municipal efficiency unite in demanding a functional classification of city activities and the assignment of each to the municipal department best fitted to render the service in question. This is also an essential to budgetary control of municipal finances, which is a factor in municipal efficiency now slowly but surely gaining recognition in progressive American municipalities.

To take the most exalted view of the subject, cleanliness is next to godliness. To take a humbler view, dirt is matter out of place. Whichever view or whether both be taken, the chief end and aim of garbage and refuse disposal is to remove from our dwellings, our yards, our sidewalks, our streets, and, in some instances, from within our cities, a variety of residual or rejected material which, in its original entity, was useful and pleasurable but has become mere waste, matter out of place, awaiting, perchance, restoration to use, but at worst to be disposed with the least possible offense and at the lowest possible cost.

PUBLIC HEALTH NOT VITALLY AFFECTED

Functionally, who can dispute that the collection and disposal of garbage, ashes, waste paper, bottles, tin ware and other metals naturally falls to the public works or engineering rather than to the health department? Even those who see a material health menace in garbage, rubbish, and ashes, must in reason admit that sewerage and sewage disposal have a more, and water supply an infinitely more, vital relation to public health than does the scavenging or cleansing service; yet in not one city out of a thousand is a sewerage system, and in no American city to my knowledge is a water-works plant operated by a health department.

Perhaps all who hear or read these words agree with me that, as a matter of municipal administration, garbage and refuse collection and disposal should not be conducted by the health department but some may believe that, nevertheless, the goodness or badness of the service, by whomsoever rendered, vitally affects the public health. Substitute *vaguely* for vitally and I agree. In parts of the country where there is material danger of plague dissemination by rats, I might waive the qualifying word vaguely. I willingly agree also with those who claim that garbage, improperly stored at houses, improperly collected and dumped, attracts flies; and that the assemblage of flies where open privies are also tolerated may spread typhoid and less serious intestinal disturbances. Rarely, in my opinion, would the assemblage of rats and flies, due to garbage, affect the public health to a degree *that could be scientifically reported in terms of vital statistics*, as two or three decades back it was commonly, and as it still is occasionally, possible to measure the effects of a polluted water supply by sharp rises in the typhoid curve.

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[1] A paper read before the annual convention of the American Society of Sanitary Engineering.

Since I do not belittle garbage and refuse disposal as a cleansing service and think it probable that most engineers, at least, believe with me that the service should not be under the health department, why, it may be asked, do I persist in urging that the service has little relation to public health? One reason, and perhaps a sufficient one, is because, the country over, most of our city fathers still act upon the assumption that garbage disposal is largely a health matter—when they act at all or adopt what they conceive to be thorough-going measures. But they act through the emotions, spasmodically, and not in accordance with well-informed and reasoned judgment. The emotions, with others as well as city fathers, cannot always be kept at a high pitch. Consequently, garbage and refuse disposal, in most of our cities, has its ups and downs. It is in a continual state of change. Disposal plants, regardless of kind or cost, are no sooner built than abandoned. I strongly believe that one great reason for this is because so many of these plants are built in the name of public health and through arousing sentimental emotions. The emotions die; the plant suffers from lack of appropriations and proper management; if not abandoned by the city administration that built it, very likely it will be shut down by its successor. After a bit, another emotional campaign will result in another and like cycle. Many cities have had several of these—and thus collectively have wasted many thousands of dollars.

THOROUGH CLEANSING AT LOW COST THE GOAL

Coming now to what some may consider the more practical phases of garbage and refuse disposal—whether classed as a health or cleansing service—what are the prime essentials? To go no further than a twofold classification, I would say they are thorough cleansing and the lowest reasonably possible cost, low cost being essential if appropriations for continuously good services are to be obtained. The first and most important thing is to get garbage and other decomposable material away from house or market before it becomes a nuisance and without creating a nuisance in the removal process, which includes transportation. Prevention of nuisance at the point of origin rests primarily with the householder or storekeeper, through the provision and use of proper containers, and secondly upon the frequency of service rendered by the cleansing department. Covered, water-tight, metal containers fulfill the first condition and collection from once a day to once a week, varying with seasonal and other local conditions, the second.

Wrapping garbage and washing garbage cans are, as a rule, more a matter of local fad and fancy than of good cleansing, and may generally be left to be determined by local sentiment. I defy any one to prove, in terms of vital statistics and by rules of evidence, that either garbage wrapping or can washing has any effect upon public health. Wrapping interferes with disposal by feeding to hogs or by reduction. The double-can system is obviously more costly than the much more usual and generally satisfactory system of a single and relatively small can, left to the householder to wash according to the sensitiveness of the family nostrils.

The sanitary transportation of garbage, after collection, is chiefly a matter of water-tight, covered, metal wagons, which may be washed as often as local conditions demand.

If, as I believe, it is impossible to prove any direct relation between the garbage collection and transportation service and health, it is still more impossible to establish such a relation between final disposal and public health. In either case there is the more or less remote possibility of the sort of health impairment that comes through any material public nuisance, be it offense to eye, ear, or nose. Good cleansing will guard against anything serious of this kind.

VARIOUS METHODS OF DISPOSAL

The choice between various available methods of final disposal is chiefly a matter of economy but various local conditions may be such that one method of disposal may require a more distant location than another and thus perhaps materially increase the cost of transportation. Taking into account size of town or city, density of population within and without the municipality as bearing upon location of the disposal works, topography, character of soil and use of lands in outskirts or outside the city, market for hogs, fertilizer, etc., and, though rarely under American conditions, possibility of sale of steam or electric power, choice may be made between (1) burial under shallow layers of earth; (2) sanitary fills, which may be of considerable depth, if only the top and as much as may be of the slope is kept covered with ashes or earth; (3) incineration; (4) feeding to hogs; or (5) reduction, for the recovery of grease and tankage. The order in which these five methods is given has no significance. For obvious reasons, earth burial is likely to be available for only relatively small communities, but it might be used for considerably larger ones than usually practice it. The sanitary fill depends more upon topography, accessibility of land that needs filling, etc., than size of city. Hog feeding has been and may be used for cities of considerable size, as witness Los Angeles today. Reduction is generally considered available only for cities of say 100,000 or more. Incineration is readily adaptable to places of the smallest or the largest size, (theoretically, at least, for the latter by multiplication of plants and consequent reduction of length of haul). I say "theoretically" because recent and current American experience shows much difficulty in locating incinerators in populated districts or even where there are many industrial plants.

If I have already indicated it, let me reiterate that the choice between these and possibly other methods of disposal is not a matter of health, nor of cleansing *per se*, but of adaptability to local conditions, including relative cost. These questions of adaptability and cost, not forgetting methods of collection and transportation as related to methods of disposal, are engineering questions. Pertaining as they do to collection and to day-by-day disposal operations, they are ever recurring. They can be best and only answered by engineers.

If most of what has been said relates to garbage, it should, nevertheless, be understood that the same line of argument applies also to all other classes of refuse properly dealt with by a cleansing department. The other classes, except dead animals, etc., have even less relation to health than has garbage, but their efficient disposal is likewise work for engineers to direct.

In conclusion, the entire cleansing service, from choice of methods, through design, construction, test, and operation of plant, is engineering in character. It should therefore be entrusted to a city department whose function it is to design, construct and operate public works. That department should include in its staff one or more engineers experienced and competent in garbage and refuse disposal. When it does not include such a man or men, then, until they can be and are found and employed, and from time to time as special problems arise, a consulting engineer versed in these subjects should be employed.

ROTTEN BOROUGHS AND THE CONNECTICUT LEGISLATURE

BY LANE W. LANCASTER
Wesleyan University

The Connecticut system of representation by local units of government rather than on a basis of population is bad in theory but has practical compensating advantages. :: :: :: :: :: :: ::

THE traveler from New York on the Boston Post Road who leaves the thoroughfare once he has crossed the Connecticut line, cannot have failed to be impressed with the air of ante-Revolutionary days which supervenes upon the modernity of the seaboard. The well-kept village greens, the chaste spires of the Congregationalist churches, the town halls and libraries, the vine-covered stone fences, and the simple but well-proportioned and capacious colonial houses look, one feels, much as they must have looked in the days before the industrial revolution substituted metal work and textiles for agriculture and dairying as the staple industries of the state, and delivered the patrimony of the fathers to alien races.

LITTLE CHANGE SINCE CHARLES II

Connecticut is rich in institutional survivals and many of these are in the field of government. A complacent people who still cling tenaciously to such devices as town meetings and party caucuses and look askance at such "frills and furbelows" as direct primaries, the initiative, referendum and recall and the income tax, can scarcely be expected to rush headlong into the alteration of even more fundamental matters than these reforms involve. It is largely due to this temper on the part of the people that Connecticut's system of representation has been only slightly changed since 1662 when the Royal Charter of Charles II was granted, and not at all in principle since the adoption of the Fundamental Orders of 1639.

Representation in the lower house of the Connecticut legislature is by governmental units and not on the basis of population. The Royal Charter of 1662 provided for semi-annual assemblies to be composed of not exceeding "two Persons from each Place, Towne or Citty." Connecticut lived under this Royal Charter until 1818 when the present constitution was adopted. The constitution of 1818, in dealing with the lower house, provided that "the number of representatives from each town shall be the same as at present practised and allowed." Towns thereafter incorporated were to be entitled to one representative but in case such new towns were made from towns already existing the original towns were not to be deprived of their representation without their consent. This article was amended in 1874 by the provision that "every town which now contains, or hereafter shall contain a population of five thousand, shall be entitled to send two representatives, and every other one shall be entitled to its present representation in the general assembly." In 1876 an additional amendment was adopted providing that "in case a new town shall hereafter be incorporated, such new town shall not be entitled to a representative . . . unless it has at least twenty-five hundred inhabitants . . . "

In 1902 an attempt was made to amend the constitution further in such a way as to give the larger towns and cities additional representatives. The constitutional convention which was called by an act of the legislature of 1901 was elected by towns and therefore was under the control of the small communities. The proposed change submitted by this convention in June, 1902, provided for two representatives for each town of 2,000 inhabitants and one more for each 5,000 inhabitants above 50,000. This was obviously a compromise, satisfactory neither to the reformers nor to the town representatives, and was overwhelmingly defeated by the people.

The situation created by these constitutional provisions is a curious one. The total population of the state in 1920 was 1,380,631. The number of towns is 168 and these vary in population from the town of Union with 257 inhabitants to New Haven with a population of 162,537. Under the constitution, of these 168 towns, 94 are entitled to two representatives and 84 have one each. Of the total number of towns 79, or nearly one-half, have less than 2,000 population; 41 are under 1,000; and 16 have fewer than 500 inhabitants.

TOWN AND COUNTRY IN CONNECTICUT

Approximately one-half the population of the state lives in the seven cities having more than 30,000 inhabitants—New Haven, Bridgeport, Hartford, Waterbury, New Britain, Stamford and Meriden—all of which cities are located in the highly industrialized section of the state lying between the Connecticut and Housatonic rivers. Of the 79 towns having less than 2,000 population more than 70 per cent are shown by the census figures to have steadily dwindled in size since 1830. Not infrequently towns which were of fair size in 1820 have by now but one-third or even one-fourth of their population at that date. Yet these same towns, under the protection of the constitution of 1818 still return two representatives to the lower house, as then "practised and allowed."

In a highly industrialized state like Connecticut it is difficult to speak of an opposition between town and country such as undoubtedly exists in many states. Some of the so-called towns are almost purely agricultural; many, however, are primarily industrial in their interests, and much of our brasswork, cutlery, tools, tacks and textiles is produced in communities which are little more than hamlets. Such opposition as exists is rather that arising from the fundamental difference in viewpoint bound to arise between the inhabitants of old communities with ancient traditions and a settled mode of life and thought, and the dwellers in new industrial centers not old enough to be keenly conscious of corporate life or to have formed fixed traditions. On the other hand, it must be confessed that the agricultural interests, still in many places in the hands of the remnants of the original families, gives the tone to such communities and furnishes them with a sort of natural leadership in civic affairs not differing greatly from that found in many rural constituencies in eighteenth century England. It is not without significance that 93 members of the lower house in the assembly of 1923 were farmers. This number is sufficient to prevent any undersigned change in present arrangements since constitutional amendment requires a two-thirds vote of each house. Without imputing motives to the members of the lower house, it is evident that under some circumstances, the affairs of the cities might be at the mercy of the representatives of the small communities. The question as to whether such has been the case is reserved for discussion later.

FIVE-SIXTHS OF PEOPLE ELECT LESS THAN ONE-THIRD OF REPRESENTATIVES

The actual disparity in representation between the cities and towns is revealed by such figures as follow. Five-sixths of the people of the state live in 41 cities and towns having over 6,000 inhabitants; yet they elect less than one-third of the members of the lower house. In other words, one-sixth of the people elect more than two-thirds of the representatives. Of the 41 towns of less than 1,000 population 11 have two representatives each and 30 have one each. The total population of these towns is 24,500, yet they choose 52 representatives, while the remaining 1,356,000 people of the state elect 210. In the case of the 41 small towns each representative represents 471 people; in the remainder each represents 6,457. Each of the two representatives from the town of Union represents roughly 125 people; each representative from New Haven represents 81,268. The ballot at Union has 632 times the weight of that cast at New Haven.

SITUATION MUCH THE SAME IN THE SENATE

When we turn to the state senate the situation, while not presenting such striking anomalies, differs not at all in kind from that obtaining in the house. Representation in the senate is regulated by the thirty-first amendment to the constitution, adopted in 1901. Section 1 of this amendment provides for a body of not less than 24 nor more than 36 members, to be chosen biennially. There are now 35 senators chosen from as many senatorial districts. Section 2 of the amendment provides that "the districts shall always be composed of contiguous territory, and in forming them regard shall be had to population in the several districts, that the same may be as nearly equal as possible under the limitations of this amendment." These limitations are contained in the next sentence: "Neither the whole or a part of one county shall be joined to the whole or a part of another county to form a district, and no town shall be divided, unless for the purpose of forming more than one district wholly within such town, and each county shall have at least one senator." In spite of the requirement that "regard shall be had to the population in the several districts," the districts at present vary in population from 19,955 to 62,190. Equality in the districts would give to each a population of approximately 39,000. There are, however (due to the "limitations of this amendent"), 7 districts between 20,000 and 30,000 population; 12 between 30,000 and 40,000; 9 between 40,000 and 50,000; 4 between 50,000 and 60,000; and 2 over 60,000; while one district falls just short of having 20,000 inhabitants.

That the smaller towns of the state

are given disproportionate power even in the senate, by the constitutional requirement that no town shall be divided is seen by glancing at the distribution of the districts among the counties. Of the 1,380,631 people of the state, 1,176,788 live in New Haven, Fairfield, Hartford and New London counties. If due regard were had to population these counties would be entitled to 30 seats in the senate; whereas under present arrangements they have but 27. These four counties contain all the large cities of the state. The other four counties—Windham, Middlesex, Tolland and Litchfield—can boast of only two cities having over 20,000 population. Something suspiciously like gerrymandering is revealed in the comparative population figures for the 35 districts. The average district in the four urban counties contains 43,584 inhabitants; in the four rural counties, 25,480.

SITUATION HAS PARTISAN ASPECT

The result of this system of representation on the alignment of parties is what might be expected. There can be little doubt that it favors the dominant Republican organization. In the state election of 1922 the Republican candidate for governor won over his Democratic opponent by a plurality of 21,590. At the same time the Republicans elected 27 of the 35 senators. The combined majorities of the 27 Republicans exceeded the combined majorities of the 8 Democrats by only 21,628. This was practically the same as the governor's plurality, but so distributed as to give the Republicans 27 seats. That the Republican party is well served by a system which favors the small communities is shown by noting the distribution of seats in the house and senate between the adherents of the two parties. The 8 Democratic senators in the session of 1923 sat for the following cities: New Haven, 2; Waterbury, 1; Seymour, 1; Norwich, 1; Bridgeport, 1; Hartford, 2. All of these cities are in the urban counties of the state; the rural counties are solidly Republican.

In the house the same situation is found. In the election for state senators in 1922 the Republicans cast 53.4 per cent of the votes but won 80 per cent of the seats or 210 out of 262. On the basis of votes cast the Democrats were entitled to 122 seats. Of the 52 Democrats returned 32 were from towns and cities in the populous counties in the central and southwestern parts of the state. Democratic strength is in the cities and there is reason to believe that the Republican organization is content to profit by an arrangement which prevents the effective union of their opponents.

ARE THE CONSEQUENCES EVIL?

Further demonstration of the inequitable character of the system is unnecessary. The question arises, What of it? Does the system in practice produce evil results?

It is by no means easy to answer this question. One argument of the apologists of the present system which, incidentally, is credited to no less a personage than the chief of the Republican organization, is that the state is well governed and that no one has legitimate reason for complaint. There is a large measure of truth in this statement. While the state is governed by a machine, it is an enlightened machine as compared with similar organizations in other states. While the machine, as is invariable, exacts its price for its favors, it seems to give about the sort of government favored by the majority. On the other hand, this argument is rather beside the point since *self*-government and not *good* government is the issue.

The dissenters from this argument

cite as a flagrant example of small town domination the notorious standard time law of the state. This law was first passed in 1921 but was re-enacted with heavier penalties in 1923. As it stands at present it imposes a fine of not more than one hundred dollars upon any person or corporation displaying for the convenience of the public any but eastern standard time. A careful review of all the available evidence, however, fails to show any reason for holding the small communities responsible for this legislative curiosity; and it is a well-known fact that the bill was lobbied through the session of 1923 in part by representatives of some of the larger towns and cities. In fact, there is enough Yankee conservatism both in city and country in the state to account for such a piece of legislation on grounds far removed from the practical consequences of a change of time. The proprietress of a small poultry farm told the writer that she "hated" "daylight saving time" because keeping standard time made it easier to regulate her clock! And thousands could no doubt be found who share her scarcely concealed belief that this "fooling with the clocks" was in some way a more or less serious violation of the moral law.

A second argument in favor of the retention of the present system behind which there is the weight of much respectable opinion, was stated to the writer by one of the Democratic leaders of the state in the following words:

> I am of the opinion . . . that the little towns under the present form of government have been the anchor to windward in the state of Connecticut . . . It is true that a small percentage of the population elects a large percentage of the representatives in the general assembly; however, where a town has three or four hundred voters, it must, out of necessity, select the best timber to nominate for positions of trust, with the result that the men who have gone to the legislature from these small towns have been hard-headed farmers in many cases who, through lessons learned from hard battling for an existence, have learned the value of a dollar and are just as conservative with other peoples' money as they are with their own. In general the representatives elected from the cities have been picked because of political prominence rather than because of ability. Men of real ability in the cities . . . have refused to enter a political contest for nomination. . . . Had any one of these men lived in a small community they would have been drafted and their neighbors and friends would have insisted upon them accepting a seat in the legislature.

Much the same point of view is held by the editor of a weekly newspaper published in a city of 35,000 who says:

> Theoretically, the present system of representation . . . may be unfair, but the way it really works out is practical and advantageous. . . . —The real workers in the legislature, the men who *do* things, are invariably from the towns. Somehow, it seems impossible for cities to send men worthy the name of representatives.

It must be confessed that there is much to be said for this point of view. Judged from the standpoint of attention to business and legislative leadership, the smaller communities would seem to have made a notable contribution to the government of the state. One must remember that, after all, most of the small towns *do* have a corporate life and a body of fine traditions which entitles them to some sort of recognition as separate entities. In those which have best preserved their distinctive character there is, among the people, a shrewd and honest, if somewhat narrow, interest in good government. If Connecticut's government exhibits few of the "flashy" devices with which other states experiment, it is perhaps a sufficient answer to say that this conservatism jumps well with the instincts of her people. And *de gustibus*, etc.

A third argument in favor of the present system is to the effect that, even though the small towns may be overrepresented in the house, the cities control the senate. In spite of some rather rabid statements to the contrary this would seem to be substantially true. In spite of a slight overrepresentation of the less pronouncedly urban parts of the state it remains true that seventeen of the thirty-five senators sit for districts in New Haven, Hartford, Bridgeport, Waterbury, Stamford, Meriden and New Britain—all cities of over 30,000 population. It is conceivable that a mandate of a party leader, sure of his majority in the house, might compel senate concurrence in legislation opposed to the interests of the cities. Such situations, however, are rare, and the cities under the present system would seem to be able to take care of themselves.

SIGNS OF A CHANGE

In spite of the fact that there is little concrete evidence of evils traceable to the present system of representation, a strong minority continues to agitate for reform. The state platform of the Democratic party, adopted in convention September 18, 1924, contains a plank favoring "reorganization of the system of representation in our legislature so that one-sixth of the people shall no longer elect two-thirds of the house of representatives or 40 per cent of the people elect a majority of the senate." Even some Republicans favor a redistribution of seats although few are willing to give up the town as a unit, feeling rather that all the towns should continue to have at least one representative. That the house itself is willing to make concessions to this feeling, at least up to a certain point, is shown by the following resolution adopted in the session of 1923:

> Resolved by this House: That . . . Article 18 of the amendments to the constitution be amended to read as follows: Representation of the several towns in the house of representatives shall be determined as provided by law, provided each town shall have at least one representative.

Under the constitution this proposal must be passed at the 1925 session by a two-thirds vote of both house and senate and receive a two-thirds vote of the people to be effective. It remains to be seen how far the lower house in the next session will play the game.

If the system cannot be indicted on the ground that it produces concrete evils, what judgment shall be passed upon it? On general democratic principles it does not require argument to show that a system is inequitable which gives to depopulated hill towns equal political weight with populous cities like New Haven, Bridgeport and Hartford. All experience shows that the possession of such power is a standing invitation to its abuse rather than an incentive to its beneficent use. True, such abuse may come only in rare cases; the system may not do in a "pinch"; but the success of representative institutions and their perpetuity depend upon their ability to extricate themselves in a "pinch." For, after all, we take it that democracy is not a recipe for *good* government, but for fairly *representative* government. Viewed from the democratic standpoint, political institutions are but devices for securing that the popular will, be it wise or foolish, virtuous or vicious, shall be expressed clearly and directly. And, in a pinch, the Connecticut system does not do this.

THE COUNTY BOARD IN MINNESOTA

TYPIFIED IN THE EXPERIENCE OF ST. LOUIS COUNTY

BY R. M. GOODRICH

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Another of our series on county government in various states.

COUNTY government in Minnesota is fortunate in at least one respect. The state constitution is singularly silent on the type or character of the organization that the state legislature may establish for carrying on the functions usually assigned to counties. Scarcely half a page in the constitution is devoted to counties. Exclusive of the judiciary, no officials are prescribed, and the proposition is at least arguable that the legislature has full power to grant "home rule" to the counties of the state.

Notwithstanding this favorable circumstance, county government in Minnesota, as elsewhere, is the target of most governmental complaints. Nor are the complaints usually voiced different from those heard in other localities.

For four years, an organization has existed in Duluth, whose object it has been to introduce efficient administrative methods into the various local governmental units, and no small amount of the time has been devoted exclusively to St. Louis county. A recital of the achievements of this organization would reveal the fact that in a reasonably long list of definite administrative improvements, only one affects the county government, and this one is of minor importance. This circumstance, which is not entirely unique to the Duluth organization, epitomizes, perhaps, the comparative progress made in cities and counties everywhere.

Unquestionably, St. Louis county is employing methods, long since discarded by most progressive municipalities, and sanctions practices utterly condemned by students of public administration.

Before examining St. Louis county government, it is necessary to point out some of the county's peculiar characteristics, any one of which may be usual enough, though rarely, if ever, found in combination.

First, there is the problem of size. St. Louis county comprises some 6,500 square miles, or approximately the combined area of the states of Rhode Island and Connecticut.

Second, there is the problem presented by unusual wealth. The iron ore deposits of St. Louis county produce approximately one-fourth of all the iron ores that are being extracted in the entire world, and the valuation placed on these ores makes an unusually high per capita valuation. The assessed valuation of the county is close to one billion dollars, and the population only 206,000. About 20 per cent of the wealth is in Duluth, 5 per cent in the rural districts, and the balance, 75 per cent, on the Iron Range. A large portion of the 5,000 or more square miles of strictly rural land is cut over, burned over, and undeveloped.

Third, there is the problem of a single large city.

Fourth, there is the problem arising from the fact that the wealth and the population are in different parts of the county. Duluth has a majority of the population, but is fifty miles from the iron ranges.

Fifth, there is the problem presented by a vast wilderness and an undeveloped territory. Several voting places in the county can be reached only by canoe or pack trail, and serve only isolated settlers and traders.

Sixth, the unusual problem presented by a wealth measurable in duration. A recent bulletin from the University of Minnesota predicts this wealth will be exhausted in twenty or thirty years, although there is an abundance of low grade ore, which, if properly handled, may enable Minnesota to continue as an iron ore producing state for as long as need be considered. This condition has built up a very definite philosophy in the minds of many people, that "we should get while the getting is good."

These problems combined in one governmental unit create a situation not readily adaptable to a satisfactory or economical government. Sectional strife between Duluth and the Iron Range, stimulated largely by the failure on the part of both sections to understand the attitude of the other on governmental expenditures, has created the most serious obstacle in bringing about effective government.

THE COUNTY BOARD

St. Louis county, like all other counties in the state, has what is termed a "commission" form of government. The commissioners are, in practice, road commissioners, though they perform the legislative functions for the county. There are seven of these commissioners, elected by districts, each district being as nearly as possible equal in population. In most other counties of the state, five commissioners are elected. The commissioners are elected for a term of four years at a general election on a nonpartisan ballot, those from the odd-numbered districts and those from the even-numbered districts being elected in the alternate even years. They are paid an annual salary of $3,000, and are required to devote all their time to their official duties. In addition, each commissioner is allowed his actual and necessary traveling expenses, not to exceed $600 per year.

Considering the past and present membership of the county board, the commissioners are fairly representative of their districts. They are well known, and have the interests of their constituents at heart. This qualification fits them admirably for the legislative duties of the position, but rarely if ever is a commissioner found who has had training or experience in the construction of roads. Remote contact with highway work seems sufficient to justify a candidate in assuming that he is competent for the office. In demonstration of this, one of the candidates now seeking election includes on his campaign card the following, "Chief clerk division of public works for eight years which qualifies him for this office". Another candidate bases his claim to office on the ground that he has run a steam shovel on road work for several years.

Elections are vigorously contested, and, relatively speaking, invariably create more interest than the importance of the office justifies. The primary election is held in June, and it is not unusual for as many as ten or twelve candidates to file for the position in a single district. The two highest candidates are nominated, and the mad scramble begins to line up the support of the defeated candidates for the final election, which is held in November. Usually this results in making certain promises of appointment to office after election.

A rather bold demonstration of this

procedure has recently come to light in filling the place of a commissioner who died in office. Under the state laws, if a vacancy occurs, the chairmen of the township boards of supervisors in that district elect the successor. In this particular district, there were seven town supervisors. Four votes were necessary to elect. The first thirteen ballots were widely scattered, four or five of the chairmen voting for themselves. On the fourteenth ballot one of them emerged with the necessary four votes. He voted for himself, and one vote had been promised him on an agreement to retain certain men in office. On the next day, the first official act of the new commissioner was to appoint the other two men who had voted for him to important positions at salaries of $3,000 apiece.

While this instance is more visible than usual, it is not unlike the procedure that follows most elections for the office of commissioner.

Campaigns are usually based on personal issues and inconsequential details of administrative procedure. Within recent years, one of the two candidates has been the incumbent commissioner. This has had the effect of bringing the commissioner's official record before the public, but the practice of distorting the facts is so common that it is doubtful if this publicity is of any real value.

BOARD ORGANIZATION

At the first meeting in January, the board elects a chairman and vice-chairman, and organizes into committees. The chairman receives $300 in addition to his salary as commissioner. The committees are appointed by the chairman, consideration being generally given to the wishes of the various members. As each commissioner serves on several committees, it is not a difficult task to satisfy them. One of the committees has seven members, and the others, six in number, have four each. It is probable that some of these committees never meet. Committee action is of little significance, and it is doubtful if any of the commissioners could name off-hand the different committees of which they are members.

Outside of certain ministerial duties, the chairman of the county board has practically no powers in addition to those of the other members. For this reason there is generally no contest over the selection. The chairman is *ex-officio* chairman of the board of education, which has jurisdiction over the schools in a large part of the county. The importance of this latter position is increasing, and may soon become a factor in the selection of the chairman of the county board.

FUNCTIONS OF THE COUNTY BOARD

The principal functions of the commissioners are: First, to determine the amount necessary for conducting the various county activities, and to fix a tax levy in accordance therewith; second, to administer the road funds in their respective districts; and, third, to appoint certain non-salaried boards and officials.

From a financial standpoint, county highway work is the most important service that the county government performs. Of a total tax budget of approximately $4,000,000, $2,500,000 is expended on roads. In addition to this, it has been the custom to finance certain roads contemplated in the state trunk highway system from bond money, so that the total expenditures on roads that have passed through the hands of the commissioners in the last six years approximate $21,000,000.

All of this work is carried out by the commissioners and a highway engineer. The engineer is appointed by, and is responsible to, the county board. The work of the engineer has been concerned almost entirely with the construction of highways that are to be correlated in the state highway system. In this work, the state highway department prescribes certain specifications, and supervises the work. An engineering service is maintained, which is available to the county commissioners for work in their districts. Some of the commissioners have made extensive use of this service, while others frequently assume the responsibility of performing the engineering work themselves.

Work performed under the supervision of the highway department is invariably let on contract, and the results obtained are satisfactory. The district work performed under the supervision of the commissioners is usually done by day labor, with resulting high costs and dissatisfaction to the taxpayers.

No plan has been prepared for extending or improving the highway system, other than for those roads included in the state program, with the result that almost every piece of improvement work that is done necessitates new grading, realignment, and, in instances, entirely new routing. This has inevitably multiplied costs, and should have proven to the people the necessity for a forward-looking highway program, covering the next ten or twelve years. It has been only recently, however, that any demand for such a program has manifested itself.

COUNTY WITHOUT BUDGET

Compared to the form and manner in which modern budgets are being prepared by progressive states, cities and counties, neither the budget form nor procedure employed in St. Louis county can be termed a budget. For the general administrative departments of the county, the auditor and the board estimate the amount necessary for financing the year's work, and fix a tax levy in accordance therewith. This estimate is based on the auditor's statement of past expenditures, and written requests by the department heads, setting forth the desired salaries and expense allowance. No machinery has been established for controlling the expenses, and for all practical purposes the departments operate on the "pork barrel" system.

In the 1923 levy for the road and bridge fund, which totaled $2,319,000, $739,000 was appropriated to twelve specific highway projects, and the engineering department. The balance was divided among the seven commissioner districts.

"Splitting the melon," which is the popularly accepted term for dividing the road and bridge fund, is the annual fall pastime for the commissioners. Few data are presented in support of the claims for appropriations, and no attempt is made to inform the public of the projects on which money is to be spent. It is doubtful if the commissioners themselves could say at the time the levy is made where they expect to use the money.

Fortunately, there is an increasing tendency on the part of the commissioners to prepare estimates of their requirements in advance of the tax levy, and in time a satisfactory procedure may be worked out. In justice to the commissioners, it should be stated that the old procedure is not entirely to their liking. It is fostered and approved by an altogether too powerful group, who thrive at the "public pie counter," and who benefit themselves by creating imaginary needs for development road projects, many of which could not possibly stand the light of public scrutiny.

APPOINTING POWER OF BOARD

The county board by law confirms the appointment and determines the compensation of subordinate officials in the various administrative departments, which are headed by independently elected officials.

The commissioners have authority to appoint a ditch inspector, who has charge of the administration of the drainage laws. In St. Louis county this is an important function. Other appointed officials are the county health officer, special county attorney, who advises the board and officials on legal questions, the inspector of mines, the purchasing agent, the supervisor of assessments, the jail physician, the jail instructor, and the county nurses.

The poor laws of the state are administered by an independent poor commission, composed of three non-salaried citizens, who are appointed by the county board, subject to the approval of the district court judges. The poor commission has authority to determine and levy its own taxes.

The work farm board is appointed in the same manner.

The sanatorium commission is appointed by the county board, and it also has power to fix and levy its own taxes.

The Industrial Home board is composed of five citizen members, and is appointed by the county board, subject to the approval of the district judges.

As a general rule, the county board appoints interested citizens to the various welfare boards. The basis for choice for such employes as the highway engineer, special attorney for the county board, ditch inspector, health officer, inspector of mines, purchasing agent, and supervisor of assessments is usually the peculiar fitness of the appointee for the work, although political considerations are not ignored.

BOARD MEETINGS

By law, the county board is required to meet but twice a year. It is permitted to hold special meetings as needed. County business has grown to such an extent that meetings are held at least once, and sometimes oftener each month. Much of the board's time is taken up with trivial details, and the consideration of matters that could very well be left to the administrative departments. There is a total absence of discussion in open meeting. Any important question is settled by conference before the meeting. If any matter comes up during the meeting, which has not previously been settled, the board solemnly adjourns to executive session to settle the question. Meetings have been held in which at least a dozen executive sessions have been interposed, during which time the interested spectators wait for the side show to adjourn, and the principals to return to the main tent. Most of the meetings last two days, and at least 75 per cent of the time during which resolutions, petitions, etc., are being read, the commissioners are hard at work signing their names to vouchers that have been drawn in payment for services and supplies. Under the law, these vouchers must be signed by a majority of the board. It is safe to say that many questionable expenditures secure approval without detection by the commissioners. Recently one of the commissioners signed a large number of vouchers twice, and was unaware of his mistake until his attention was called to the fact by the county auditor.

The county auditor determines the legality of the expenditure, and satisfies himself that funds are available for paying the bill. The commissioners are the sole arbiters of value received.

RESPONSIBLE GOVERNMENT FRUSTRATED

All expenditures are authorized by resolution adopted by a majority vote of the commissioners. It would be difficult, however, to cite a single instance wherein the wishes of the commissioner making the expenditure have ever been questioned.

Roads are legalized, bridges and roads constructed, equipment and supplies purchased, solely on the recommendation of the commissioner in whose district the expenditure is to be made. It is seldom that the other commissioners are appraised of the resolutions to be introduced before they are read by the clerk of the board at the meeting. While the responsibility legally rests with the seven commissioners, practically, each commissioner is as uninformed of the expenditures made in other districts as are the taxpayers.

This procedure prevents responsible government. True, the commissioners are responsible to the voters of their districts, but failure to respond to demands can always be excused by laying the blame at the feet of the commission as a whole. By the same token, there is no regard given to the county as a unit. This latter is more important. Offices are established, services are rendered, and institutions and buildings located, not from the point of view of the greatest benefit to the county at large, but from sectional points of view and district jealousies. In demonstration of this statement, it can be pointed out that St. Louis county maintains three county buildings, two sheriffs' offices, two purchasing offices, two probation offices, and two offices for the county superintendent of schools.

As a general thing, and on all major questions, the board of county commissioners is divided into two groups dominated by the economic interests of their constituents. Four of the commissioners' districts have the greatest number of voters living within the city limits of Duluth. They are, therefore, influenced by the sentiment of Duluth residents, while the other three commissioners from outside of Duluth consider the wishes of the people who live in the high value districts on the iron ranges. Often the interest of the people of Duluth and those outside of Duluth are diametrically opposed, and the board of county commissioners divides four to three accordingly.

LITTLE PROGRESS IN COUNTY GOVERNMENT

In only two respects has the county board provided up-to-date methods for carrying on county activities. Its purchasing department, created by special law, although limited in its field of purchases, is maintained with comparative efficiency. The highway engineering department, in so far as it has been allowed to do so by the board, is also operated along modern lines. Any other details of administration that have been improved during the last fifty years have been inaugurated by the various independent welfare administrative commissions.

The accounting procedure is the same as was in vogue thirty years ago. It challenges the taxpayer to discover the true status of the county finances. The board is required by law to make a "full and accurate statement of all receipts and expenditures, which shall contain a full and correct statement of each item from whom and on what account received, to whom and on what account expended," etc., which shall be published for three successive weeks in a daily newspaper. Thus, each year the board publishes its financial statement, which covers over

500 pages of 8½ by 5½ inches small type printing, showing each warrant issued and the fund upon which it was drawn. This statement proves to be the financial mystery of the season. So far as information to the taxpayer is concerned, it is absolutely worthless.

STATE SUPERVISION

The state exercises very little supervision or control over county finances and administration. Once a year the state examiner audits the books and affairs of the county, draws up a report of his findings and criticisms, which report is "received and filed." Sometimes the newspapers will have a brief account of the recommendations and criticisms. The state highway department exercises supervision over construction work carried on by the county on roads of the state trunk highway system. The same is true of state aid roads. These roads must meet the state's requirement before aid or refundment is granted. In other respects, the county board is comparatively free from the state's supervision and control of its activities.

CONCLUSION

There are many facts about St. Louis county that mark it as an interesting study of county government. City-county consolidation is out of the question. County division might be advantageous to Duluth and the Range cities, but a decided handicap to the rural areas, which must be developed if Duluth is to continue its phenomenal growth. Even with the possibilities of "home rule" staring the country in the face, it is doubtful if a satisfactory governmental machine could be devised. There is not and never has been a sense of unity, political or social, to give birth to a keen desire for county self-government. The organization of St. Louis county preceded any geographic, economic, religious, racial, cultural or social factors that usually combine to stimulate a sense of unity. These factors were present in the establishment and growth of the lesser political subdivisions within the county, but not the county organization itself. The early day distress in locating the county seat is today multiplied a thousand-fold in locating a million dollar road. The keen political "jealousies" between the various communities today were started in 1856 when the legislature determined that St. Louis county's problem of local self-government was one of meets and bounds.

THE UTILITIES' ATTITUDE TOWARDS DEPRECIATION RESERVES

A REJOINDER TO MR. BAUER

BY W. H. MALTBIE

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THE August number of the NATIONAL MUNICIPAL REVIEW contains an article by Mr. John Bauer entitled "The Drive by Public Service Corporations Against Depreciation Provisions," in which Mr. Bauer declares that the utilities are attempting to upset the established policy, that they are insincere in the statements they have made to the public, and that they have an ulterior purpose which Mr. Bauer now reveals.

It is rather a serious matter, when one considers the magnitude of public utility operation covering the steam railroads, the electric railways, the telephone systems, the gas, electric light, and power companies, and the water companies in this country, to charge them collectively with an attempt to set aside an established policy and to add to this the charge that they are not acting in good faith and are attempting to deceive the public. The man who makes such a charge must expect to have his statements and his supporting facts, if any, subjected to the spotlight and to be severely criticized if either his charges or his statements as to supporting facts prove to be inaccurate.

Now first as to the general charges made against the public utilities. I quote from Mr. Bauer (italics mine):

> For a number of years there has been a country-wide drive by public utility corporations and railroads against the established depreciation policy.
>
> * * *
>
> With unimportant variations, the prevailing provisions for depreciation involve these two requirements:
>
> 1. In addition to actual repairs and minor replacements of property, charges to operating expenses for the estimated amounts of property worn out in service or otherwise rendered unsuitable.
>
> 2. To correspond with the preceding depreciation charges, the creation of a depreciation reserve, against which is charged the original cost of *all property* retired from service.
>
> * * *
>
> . . . the generally accepted accounting requirements of charging *full depreciation* and creating a corresponding reserve . . .
>
> * * *
>
> . . . the depreciation system . . . requires that during the lifetime of the various units of property, *full provision* shall be made for their replacement, so that whenever renewals take place *for any cause whatever*, funds shall have been provided for the purpose.
>
> * * *
>
> It is improbable that most of the public utility and railroad companies are sincere. Their real purposes, with perhaps some exceptions, are not disclosed in their discussion.
>
> * * *
>
> To support their view, therefore, they are eager to eliminate from the statutes, the accounts and regulations of the commissions all references to depreciation. They wish to exterminate the entire concept . . .

Mr. Bauer's statement as to the general policy is not correct. For many years the accounts of the steam railroads of this country and of such electric railroads as are subject to the interstate commerce commission have been prescribed by that body. Many of the state commissions have also adopted these regulations for the electric railways under their care. These regulations do not and never have required the charging of full depreciation. They have required the setting up of depreciation on equipment but have left the whole question of accumulating depreciation reserve on way and structures to the discretion of the companies.

NO COUNTRY-WIDE DRIVE

Mr. Bauer's statement that there has been a country-wide drive against the established policy is absolutely without foundation in fact. The Bell Telephone System, one of the most important public utilities of the United States, is a firm believer in the very kind of depreciation appropriation that Mr. Bauer advocates. It has accumulated a reserve for depreciation and contingencies (Moody's Manual, 1923, page 914) of over sixty-eight millions of dollars. Its reserves are so large that it is being criticized on this ground by various state commissions. The charge is unfounded as to the Bell Telephone Companies.

The second big group is the steam railroad group. In the present transportation act, congress directed the interstate commerce commission to determine classes of depreciable property and fix rates. The interstate commerce commission referred the matter to its depreciation section. The section filed a report in which it stated that certain types of property could not practically be cared for by a depreciation reserve, but that a large amount of the fixed property of a steam road for which a reserve was at present optional could be transferred to the class for which a reserve was required. They further advocated that this reserve be accumulated on the straight line, estimated life basis; that all units which could be isolated should have an independent reserve; that the commission should fix tentative rates for each class of property, to be subsequently revised; and included in their report a list of rates secured from railroad sources, although without actually recommending them. The interstate commerce commission asked the railroads whether a depreciation reserve should have any other purpose than equalization of annual retirements, whether the system recommended by the depreciation section would build too large a reserve, and several other questions. The steam roads replied that in their judgment the reserve should be accumulated only for the equalization of annual retirements, that their properties were sufficiently diversified so that these retirements were approximately equalized, and that therefore as to way and structures no depreciation reserve was necessary except in the case of large individual units such as important bridges, etc. They pointed out that the methods outlined by the depreciation section using the rates printed in the depreciation section's report would increase very largely the depreciation appropriations over the amounts which had been found through a series of years to be sufficient. In other words, the steam railroads are insisting on the maintenance of the existing situation and are opposing a change in the prevailing practice. Mr. Bauer's charge, then, is unfounded as to the steam roads.

LIQUIDATION RESERVE NOT NEEDED

The American Electric Railway Association, representing the great mass of electric railways in the United States, intervened in the steam road case and filed a brief. So far from attacking the established order or attempting to exterminate the entire concept, the association closed its brief by stating that a depreciation reserve could serve but two purposes; one was the refunding of capital to the investors in the event of ultimate liquidation and the other was the insurance of necessary replacement of property; that the public's interest was in this replacement; that a regulatory body therefore should limit its attention to the depreciation reserve for retirement of property; that the unit method would build a liquidation as well as a replacement reserve; that the group method would do so in certain cases; that the group method was the more desirable of the two; but urged "that the practical, business-like way of dealing with depreciation in the case of companies where the investor does not look to an ultimate liquidation is to allow each year as operating expense a sum reasonably in excess of the replacement costs of that year until a sufficient reserve has been accumulated in a general depreciation account to serve as a balance wheel or reservoir out of which to take care of any year-to-year variations in replacement costs." Contrast this with Mr. Bauer's charge that the utilities desire to exterminate the entire concept, and the fact that his charge is unfounded as to the electric railways becomes evident.

ATTITUDE OF GAS AND ELECTRIC UTILITIES

The only utilities of which I know to which Mr. Bauer's charge even remotely applies are the gas and electric operators. Like most public utility men and many thoughtful students of economics, they have been disgusted with the theoretical nonsense about depreciation which has been published from time to time. They have attempted to eliminate the word from their accounting systems and they have met with a sympathetic reaction from the various state commissions, so that at the Detroit meeting of the National Association of Railway and Utilities Commissioners held in November, 1922, a uniform classification of accounts, in which there is no mention of depreciation, was recommended for adoption by the various state commissions. There has been, however, no attempt to eliminate the entire concept, for the old depreciation account is replaced by a new account known as retirement expense, which is provided "to include charges made in order that corporations may, through the creation of adequate reserves, equalize from year to year as nearly as is practicable the losses incident to important retirements." Mr. Bauer's charges then, while they are true to the extent that the gas and electric light corporations have eliminated the word "depreciation," are absolutely unfounded when he declares that they have attempted to exterminate the entire concept.

In order to explain his charges of an ulterior purpose on the part of the public utilities Mr. Bauer attempts to discuss the proper rate base and makes the assertion that "the commissions have mostly held the view that the proper basis of return or rate base is the actual cost of the properties used in public service, less depreciation." Mr. Bauer presumably has familiarized himself to some extent with the literature of valuation. He knows that original cost as a rate base was rejected by the supreme court of the United States in *Smyth* vs. *Ames* and has been rejected again and again by the supreme court in every case in which the point has been raised, down to and including the important cases decided in 1923 and 1924. He also knows that it has been rejected by an overwhelming majority of state supreme courts, and of course by the federal district courts. He also knows that even those commissions which have attempted to make original cost the dominant factor in the rate base have by no means been a unit as to depreciating it. A careful study of the opinions of the various state commissions rendered in recent years will show that Mr. Bauer's statement is contrary to the facts. In 1923, in behalf of the American Electric Railway Association I wrote to every commission in the United States, listing the cases of theirs which had been studied by us and the conclusions which we had reached as to their point of view and asking them to give us any expression that they cared to make as to what they believed to be the dominant evidences of value in the fixing of a rate base. Not all of them replied. Some who did reply were unwilling to render any opinion other than an official opinion; several had had no valuation cases; but of the twenty-six who replied with sufficient definiteness to enable us to classify them by far the majority gave some weight to reproduction cost; the majority professed themselves to be guided by the decision in *Smyth* vs. *Ames*, giving consideration both to original cost and to reproduction cost; only four regarded original cost or prudent investment as the dominating element in the fixing of a rate base; and (most important of all) *not one expressed the view which Mr. Bauer asserts is held by the majority of the commissions*. The nearest approach to it was one commission which, while recognizing reproduction cost as well as original cost in its decisions, stated that the commission believed that in the long run the public utilities themselves would be better off "to have actual cost the almost sole basis of rates, and this cost to be depreciated *only to the extent* that there has been set up a reserve covering retirements or replacements of service value used up, *if such funds are invested in the plant*." (Italics mine.)

In other words, writing for an audience which is presumably not familiar with the law on the subject Mr. Bauer asserts as the general commission point of view something which is contradicted by the published rulings of the commissions, by their direct official letters in response to a formal query, and by practically an unbroken series of court decisions, all of this information with the exception of the letters referred to being common knowledge to every student of the subject.

PRACTICE OF INDUSTRIAL CORPORATIONS

Mr. Bauer also attempts to support his position as to the proper thing to be done by referring to the practice of ordinary industrial corporations. For this he takes the United States Steel Corporation as his first illustration. Anyone desiring information as to the United States Steel Corporation would turn to the Poor and Moody Industrial Manual, and this is in fact the thing to which Mr. Bauer refers. This Manual for 1923, the year referred to by Mr. Bauer, (Volume II, page 561) summarizes the amount expended for *depletion*, depreciation, and *replacement* reserves as $47,088,879, but immediately analyzes this figure and shows that $4,400,000 of it was for furnace relining charged directly to current operating expense, and that $9,305,000 of it was for a sinking fund reserve to retire United States Steel bonds. On page 568 the remainder of $33,382,62 is shown to include not only depreciation but extraordinary replacements, sinking fund, and bond redemption premiums of the subsidiary companies. Mr. Bauer's statement is that the company made "besides the actual cost of repairs and renewals charged directly to operating expenses, an additional depreciation charge of over $47,000,000." The statement is not in accord with the facts.

The balance sheet of this corporation as shown in Poor and Moody shows that the Company carries on the liability side *no depreciation reserve* whatever. It has written down its plant account from year to year and shows for 1922 a total write-down of $429,451,000, an increase of approximately $6,000,000 over the write-down for 1921. The asset side reveals no free funds with which to compensate for this write-down with the exception of an item of $108,000,000 which includes not only depreciation fund assets but also insurance assets and bonds available for future bond sinking fund retirements. Mr. Bauer's statement is "*Its accumulated reserve* for depletion and depreciation amounts to $429,451,000." To this Mr. Bauer adds appropriations for additions and construction, reserve for contingencies, pension, and miscellaneous funds, and the entire corporate surplus (which the balance sheet conclusively shows to be largely invested in plant), calls the sum total of these "the total stated reservations out of past earnings," and compares this with the standard of reserves "contemplated for public utilities and railroads." He then states that this reservation puts the company in a position "to discard plant and equipment ruthlessly whenever superior facilities are available."

The attempt to compare surplus of a private industrial with the obligatory depreciation reserve of a public utility and the statement that the possession of a surplus (which is tied up largely in plant) puts the company in a position to discard equipment ruthlessly are so grotesque from an accounting point of view that they would call for no answer if presented to an audience of accountants. Offered seriously, however, to a general audience, they are impossible to justify.

Not content with his one illustration, Mr. Bauer continues that it is "safe to say that the majority of large industrial concerns have adopted a liberal depreciation policy, providing adequately for all desirable replacements with the purpose of safeguarding beyond question the financial security of the business."

Mr. Bauer's attack on the utilities is inspired, according to his own statement, by two things, one of which is the recent hearing before the interstate commerce commission on the steam railroad depreciation case. He therefore, I assume, knows the record in that case, and knows that the late Robert A. Carter under oath was asked as to the practice of industrial corporations and whether there was not "a provision made for annual depreciation in all reports of all industrial companies." His answer was "No" and he told his questioner to "take the Moody's report of industrial corporations, and look through it and you will find a great many, a majority, do not." Just as a spot check on the relative accuracy of knowledge of Mr. Bauer and Mr. Carter I have taken the first volume of Poor and Moody for the year 1923 and checked the first hundred pages, taking all the companies for which Poor and Moody furnished a general balance sheet. I find that there are seventy-one such companies in the first hundred pages. Forty of them make no reference whatever to depreciation in their balance sheets, six show no depreciation reserve but have written down their plant and equipment by a definite amount, eight show no depreciation reserve but have written down their plant and equipment by an indefinite amount, and seventeen show a depreciation reserve. As a still further check I have gone over in detail Poor and Moody's account of the first fifty corporations in the order as they appear in Volume I for 1923. Of these, twenty-nine make no mention whatever of depreciation and twenty-one make some mention of it in connection with their work.

BUILDING UP USELESS RESERVES

Like most supporters of the straight line, average life theory of depreciation, Mr. Bauer takes for his illustration a single unit of property and assumes that he can foretell with reasonable accuracy its service life, although he knows, unless he has deliberately ignored the literature on the subject for the last decade, that one cannot estimate the service life of a single unit with any reasonable degree of accuracy and that the conditions which make a reserve necessary in dealing with a single unit of property are immediately modified when we begin to deal with a diversified aggregate of units.

If a concern, for example, had only one street car, costing $10,000, and knew that it was to have a twenty-year life and must be replaced at the end of that period, it would try to collect from the public in addition to a fair return a sufficient reserve so that at the end of the twenty-year period the reserve with its accumulated earnings would enable it to make the retirement. But let us assume that a company has 1,000 cars of a value of $10,000 each which will actually have a service life of twenty years each; that conditions have become stabilized so that the company is buying fifty cars per year and will therefore replace the entire 1,000 in twenty years; and that it adopts the theory of accruing depreciation reserves on the straight line, life table basis advocated by Mr. Bauer and the unit basis urged by the depreciation section of the interstate commerce commission. Under this system the depreciation reserve set up for the new cars as purchased cannot be used to replace the old cars already in service, which would have to be taken care of out of any depreciation reserve that may previously have been created for them.

If the estimate of twenty years of life is correct, at the end of twenty years this concern will have 1,000 cars, fifty of them twenty years old and ready to be replaced, fifty of them nineteen years old with one year of remaining life, and so on; and there will be in the reserve $500 for each year of elapsed life of each car. The average age of the 1,000 cars will be ten years; the average reserve accumulated for each car will be therefore $5,000; and the total reserve at the end of twenty years will be $5,000,000 collected from the public. But at the end of the twentieth year only fifty cars will have to be replaced and the drain on the reserve will be only $500,000, which will be immediately replaced by the $500,000 paid into the reserve in the twenty-first year. From that time on conditions remain constant: fifty cars will be retired each year at a cost to the reserve of $500,000 and $500,000 will be contributed to the reserve on account of the 1,000 cars in service. The result of it is that there will be an unneeded reserve of $4,500,000 which serves no useful purpose until such time, if any, as the company liquidates, in which case it will go to the stockholders in order to make up the difference between the original cost of the cars and the amount at which they may be finally sold in liquidation proceedings.

If we are dealing with a new company instead of an old company the same condition exists as soon as replacement becomes equitably distributed from year to year.

Or to look at the whole matter from another point of view, assume an old company whose properties are widely diversified and which has reached the point where annual replacements are approximately equal from year to year. If the property has an average service life of twenty years, approximately one-twentieth of its depreciable property must be replaced annually; or in other words there must be a replacement of approximately $50,000 for each $1,000,000 of depreciable value, but under these conditions the average age of the whole depreciable property will be ten years and the reserve accumulated under Mr. Bauer's method will be $500,000 for each $1,000,000 of depreciable property. In other words, the property must carry permanently a depreciation reserve of $500,000 per $1,000,000 although its maximum need for retirements is approximately $50,000 in any one year.

RATES BURDENED BY EXCESS RESERVE REQUIREMENTS

It was considerations such as these, undoubtedly, which led the committee of the National Association of Railway and Utilities Commissioners, which presented the brief for the association to the interstate commerce commission in the telephone depreciation case, to say with regard to the straight line, estimated life method of accruing depreciation:

> It will not be required to take care of retirements. It will not serve to protect the investor even in the remotely possible case of discontinuing the business. The real purpose which the reserve on that basis would serve we consider inconsistent with proper principles of financing and opposed to the public interest. It would be utilized to furnish the capital for constructing extensions to telephone property and thereby relieve the companies from the necessity of furnishing that capital from outside sources.

The steam roads, as I understand the situation, do not believe that freight and passenger rates should at the present time be burdened with the creation of this excess reserve over and above the amount needed to take care of current retirements. The position of the electric roads is set forth in the brief already filed before the interstate commerce commission as quoted above.

Space forbids a more extended analysis of Mr. Bauer's paper. The whole problem of depreciation accounting is a difficult one and a solution which is just to both the investor and the consuming public can be worked out only through co-operation between the utilities, the various state commissions, and the interstate commerce commission, subject to the reviewing action of appellate courts, state and federal. It is unfortunate that anyone should try to complicate the situation by arousing popular indignation through the publication of misstatements of fact or of groundless charges of ulterior purpose on the part of any of the agencies engaged in the study of the problem.

THE COMPARATIVE TAX RATES OF 184 CITIES, 1924

BY C. E. RIGHTOR

Detroit Bureau of Governmental Research, Inc.

The publication of comparative tax rates of municipalities has become an annual feature of the REVIEW. *Reprints are available, singly or in quantity.* :: :: :: :: :: :: :: :: ::

In the accompanying tabulation of tax rates of cities, the fourth of its kind prepared by the Detroit Bureau of Governmental Research, the primary purpose is to make available as nearly currently as possible a statement of the actual tax rates upon property by purposes; the adjusted total rate upon the basis of a uniform assessed valuation; and, finally, the 1924 tax burden upon an estimate of the practical application of the legal basis of valuation.

To show the tax burden for 1924, it has been concluded to tabulate those rates at which taxes will be payable prior to September 1 of this year, payments falling due after that date being considered a burden of next year.

All of the columns except the last three are actual figures, with very few exceptions. Because some states provide for a consolidated rate for city and schools, it is necessary in such cases to compute the separate rates upon the basis of budget requests. Some other cities present unusual problems which are noted, as Kansas City and Atlanta. Again, in some instances it has been impossible to obtain a separation as between county and state rates, although this should be available readily from the respective budgets upon which the total rate was fixed.

The last three columns are only estimates, necessarily, and should be accepted as indicative but not conclusive. The ranking of cities within the five census groups is upon this readjusted basis. An exact determination of the practical application of the legal basis of assessment would be almost impossible in any city, and the tendency would be evident only if hundreds of test valuations were analyzed.

While essentially simple, the task of tabulating the tax rates for a large number of cities gives rise to many problems. For those acquainted with the earlier tables, it is necessary only to repeat a note of caution,—that, for justice and soundness, comparisons or conclusions from a mere tabulation require the consideration of influencing factors. Some of the complications surrounding tax rate data were set forth last year,—diversity in number of taxing units, range in classes of property and varying rates for each, exemptions, adoption of pay-as-you-go, and basis of assessment. It is suggested that the comments in the REVIEW for December, 1922, and December, 1923, be referred to for a detailed discussion of these factors.

TAXATION A POPULAR SUBJECT

The property tax is to-day, as it has been and promises to remain for many years, the major source of income of cities, schools, and other local districts. The Census Bureau reports that in

1922 the assessed valuation of all property subject to general property taxes was $124,617,000,000, and the total levy was $3,503,000,000, or $2.81 per $100. This is an increase in levy of 160 per cent since 1912, while valuations increased only 79 per cent. Of course, it must be borne in mind always that there are numerous other sources of income by which cities finance some of their activities. Some Canadian cities, for example, have an income and a business tax.

That taxation is a moot subject needs no argument. Mayors and councils stand or fall all too frequently upon their ability to show a lower tax rate and to broadcast promises of retrenchment. The popular urge is for lower costs and reduced rates, but not so universally for fewer governmental activities.

What is the actual tax burden upon property in our cities? What is the burden for each governmental unit, and is the trend upward or downward? Is there any relief? Is real estate bearing too large a portion of the tax burden?

That these questions are pressing to-day is evidenced by the fact that official enquiries are being authorized,[1] while chambers of commerce, real estate boards, and other civic bodies [2] are making exhaustive studies of the subject and recommending retrenchment and economy, tax limit laws, and other real and visionary reliefs. The reports of these investigations contain a wealth of information, conclusions and recommendations, invaluable to public officials and taxpayers. Lack of space precludes citation from such reports, a few of which are referred to in the footnotes.

Attempt is not made to answer the foregoing and similar questions by a statistical compilation. The highest rate reported, after adjustment, is for Hoboken, $42.73, while the lowest city is Little Rock, $11.40. The average total rate upon a uniform basis of assessment is $32.16 per $1,000, which, when readjusted to express the tax burden, is reduced to $24.11.

So far as the figures enable a determination, the tax burden to-day is approximately upon a 4–3–2–1 basis,—that is, of each tax dollar levied, approximately 40 cents is for the city, 30 cents for schools, 20 cents for the county, and 10 cents for the state. This is probably in harmony with our natural interest in the several governmental units, due in the first instance to the intimacy of the services rendered, and secondly to the proximity of the seat of government.

TAX BURDEN INCREASING

A set of figures for any one year affords no basis for determining tenden-

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[1] New York State Special Joint Committee on Taxation and Retrenchment; Reports, 1920, 1921, 1922, 1923.

Maryland Tax Revision Commission; Reports, April, 1923; November 1923.

Baltimore Tax Commission; Report, November, 1923.

[2] Survey of the City of Cincinnati and Hamilton County; by Dr. L. D. Upson; 1924.

Proceedings of the First and Second Annual Conferences of the Canadian Tax Conference of the Citizen's Research Institute of Canada; 1923 and 1924.

Cleveland Chamber of Commerce; "Cleveland's Income," "Cleveland's Expenses," and "Can Present Taxation Policies be Continued?" 1923 and 1924.

Indiana State Chamber of Commerce; "Tax Facts About Indiana"; February, 1924.

Retail Merchants' Association of Ohio (under way), 1924.

City Club of Philadelphia; "General City Tax Delinquency and Suggested Improvements of the City Tax System"; November, 1923.

Rochester Bureau of Municipal Research; "Financial Conditions and Practices of Rochester"; December, 1923.

COMPARATIVE TAX RATES FOR 184 CITIES OVER 30,000 FOR 1924

Compiled by the Detroit Bureau of Governmental Research, Inc.

From Data Furnished by Members of the Governmental Research Conference, City Officials, and Chambers of Commerce

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group I Population, 500,000 and over																	
1. New York, N. Y.[1]	5,620,048	$11,379,985,143	98	2	Jan. 1	June 1 Dec. 1	$12.87	$5.55	$6.19	$0.96	$1.71	$27.28	100	$27.28	92.5	$25.25	4
2. Chicago, Ill.[2]	2,701,705	1,788,665,379	77	23	Jan. 1, '23	Jan. 2, '24	39.90	27.80	....	6.40	5.00	79.10	50	39.55	75	29.66	1
3. Philadelphia, Pa.[3]	1,823,779	3,421,590,569	77	23	Jan. 1	Jan. 25	17.50	9.50	....	....	....	27.00	100	27.00	90	24.30	7
4. Detroit, Mich.	993,678	2,455,327,680	78	22	July 1	July 15	14.63	6.34	....	2.75	2.45	26.17	100	26.17	80	20.94	8
5. Cleveland, Ohio.[4]	796,841	1,867,162,970	63	37	Jan. 1	Dec. 15, '23 June 15, '24	6.96	8.31	6.47	2.16	.30	24.20	100	24.20	80	19.36	11
6. St. Louis, Mo.[5]	772,897	987,000,000	85	15	Apr. 7, '23	Nov. 1, '23	12.70	8.20	2.40	....	1.00	24.30	100	24.30	80	19.44	10
7. Boston, Mass.	748,060	1,714,100,000	91	9	Feb. 1, '23	Nov. 1, '23	13.62	6.68	....	1.56	2.84	24.70	100	24.70	100	24.70	5
8. Baltimore, Md.[6]	733,826	1,404,035,258	60	40	Jan. 1	Jan. 1	16.24	6.50	6.26	....	3.00	32.00	100	32.00	85	24.65	6
9. Pittsburgh, Pa.	588,343	951,157,910	100	..	Jan. 1	Jan. 1	16.46	11.50	....	4.88	....	32.84	100	32.84	85	27.91	2
10. Los Angeles, Calif.[7]	576,673	996,938,610	80	20	July 1, '23	Oct. 1, '23	16.50	16.30	....	6.80	....	39.60	100	39.60	50	19.80	9
11. Buffalo, N. Y.[8]	506,775	768,765,265	99	1	July 1	July 1	28.46	....	....	....	6.14	34.60	100	34.60	80	27.68	3
12. San Francisco, Calif.[9]	506,676	644,180,600	82	18	July 1, '23	Oct., '23 Jan., '24	21.71	6.13	6.86	....	....	34.70	100	34.70	50	17.35	12
Group II Population, 300,000 to 500,000																	
13. Milwaukee, Wis.	457,147	725,603,037	76	24	Jan. 1	Dec. 1, '23 Jan. 31, '24	9.63	8.30	4.82	5.15	1.23	29.13	100	29.13	85	24.76	5
14. Washington, D. C.[10]	437,571	902,291,815	85	15	July 1, '23	Nov., '23 May, '24	14.00	....	....	....	....	14.00	100	14.00	100	14.00	9
15. Newark, N. J.	414,524	624,708,951	82	18	Jan. 1	June 1 Dec. 1	14.24	9.20	4.66	5.18	4.52	37.80	100	37.80	100	37.80	1
16. Cincinnati, Ohio.[11]	401,247	739,997,200	70	30	Jan. 1	Dec., '23 June, '24	5.48	6.20	5.74	4.06	.30	21.78	100	21.78	67	14.59	8
17. New Orleans, La.	387,219	443,552,203	85	15	Jan. 1	June 1	10.50	7.00	10.00	....	8.25	35.75	100	35.75	85	30.39	3
18. Minneapolis, Minn.[12]	380,582	279,333,875	82	18	Jan. 1	May 31 Oct. 31	23.82	21.40	13.55	7.25	7.95	73.97	38	28.11	85	23.89	6
19. Kansas City, Mo.[13]	324,410	598,731,067	69	31	Apr. 21	June 1	7.47	9.00	4.37	4.30	1.00	26.14	100	26.14	85	22.22	7
20. Seattle, Wash.[14]	315,312	239,341,852	82	18	Jan. 1	May 31 Nov. 30	24.47	17.16	4.88	12.93	12.40	71.84	50	35.92	100	35.92	2
21. Indianapolis, Ind.	314,194	618,444,460	70	30	Jan. 1		10.87	8.23	....	5.70	....	24.80	100	24.80	100	24.80	4

Group III Population, 100,000 to 300,000																
22. Rochester, N. Y.[15]	295,750	455,995,684	100	..	Jan. 1	May 1	10.07	6.48	8.57	4.18	2.06	31.36	100	31.36	88	27.60	12
23. Portland, Ore.[16]	258,288	304,253,760	83	17	Dec. 1, '23	Apr. 5 Oct. 5	16.70	7.60	....	8.00	7.70	40.00	100	40.00	60	24.00	19
24. Denver, Colo.	256,491	388,610,170	66	34	Jan. 1	Mar. 1 Aug. 1	9.46	11.64	.13	3.40	3.93	28.56	100	28.56	80	22.85	22
25. Toledo, O.[17]	243,164	469,119,280	67	33	Jan. 1	Dec. 1, '23 June 1, '24	4.62	7.66	5.92	2.90	.30	21.40	100	21.40	75	16.05	35
26. Providence, R. I.[18]	237,595	426,473,250	77	23	Oct. 1, '23	Oct. 1, '23	15.16	6.37	....	....	1.47	23.00	100	23.00	100	23.00	21
27. Columbus, Ohio	237,031	584,562,340	74	26	Jan. 1	Dec. 2, '23 June, '24	3.99	6.43	6.04	2.78	.26	19.50	100	19.50	75	14.63	37
28. Louisville, Ky.	234,891	329,000,000	71	29	Sept. 1, '23	Jan. 15	13.90	6.10	....	4.00	5.00	29.00	100	29.00	80	23.20	20
29. St. Paul, Minn.	234,698	400,428,027	60	40	Jan. 1	Jan. 1	24.82	16.33	9.16	14.14	7.95	72.40	38	27.51	80	22.01	24
30. Oakland, Calif.[19]	216,261	211,937,355	60	40	July 1	July 1	19.30	16.95	5.45	8.40	....	50.10	100	50.10	60	30.06	6
31. Akron, Ohio	208,435	316,753,390	64.5	35.5	Jan. 1	Dec. 20, '23 June 20, '24	10.42	10.43	....	4.05	.30	25.20	100	25.20	70	17.64	32
32. Atlanta, Ga.[20]	200,616	333,000,000	74	26	Jan. 1	May 1 Oct. 15	8.40	6.60	....	11.00	5.00	31.00	100	31.00	70	21.70	26
33. Omaha, Nebr.	191,601	......	67	33	Jan. 1	May 1	9.76	11.50	....	3.30	2.00	26.56	100	26.56	80	21.25	27
34. Worcester, Mass.	179,754	287,022,550	84	16	Dec. 1, '23	Oct. 1, '23	15.52	7.99	....	1.24	2.05	26.80	100	26.80	85	22.78	23
35. Birmingham, Ala.	178,806	145,813,598	78	22	Oct. 1, '23	Oct. 1, '23	11.50	6.50	....	11.50	6.50	36.00	60	21.60	67	14.47	38
36. Syracuse, N. Y.	171,717	235,987,841	100	..	Jan. 1	Aug. 1 Jan. 2	19.02	6.68	....	6.55	2.05	34.30	100	34.30	80	27.44	13
37. Richmond, Va.[21]	171,667	296,800,000	63	37	Feb. 1	June 1 Dec. 1	12.00	7.50	1.50	....	2.50	23.50	100	23.50	67	15.75	36
38. New Haven, Conn.	162,537	257,332,053	85	15	Jan. 1	Mar. 1 Sept. 1	12.25	11.50	....	.44	.81	25.00	100	25.00	100	25.00	18
39. San Antonio, Tex.	161,379	182,230,000	74	26	June 1, '23	Apr. 1, '24	12.50	8.80	5.10	7.20	7.50	41.10	100	41.10	75	30.82	4
40. Dallas, Tex.	158,976	205,820,000	67	33	Jan. 1	Sept. 1	14.90	9.40	....	8.60	7.50	40.40	100	40.40	46	18.58	31
41. Dayton, Ohio[22]	152,559	235,675,560	62	38	Jan. 1	Dec., '23 June, '24	8.56	6.30	6.24	4.15	2.95	28.20	100	28.20	60	16.92	34
42. Bridgeport, Conn.	143,555	260,091,598	74	26	Apr. 1	Apr. 1 Sept. 1	13.26	7.05	6.49	.48	.92	28.20	100	28.20	100	28.20	10
43. Hartford, Conn.[23]	138,036	291,194,367	90	10	Apr. 1	July 1	12.36	6.34	1.40	.37	.86	21.33	100	21.33	80	17.07	33
44. Scranton, Pa.	137,783	......	100	..	Jan. 1	Jan. 1	15.00	17.00	....	6.00	....	38.00	100	38.00	80	30.40	5
45. Grand Rapids, Mich.	137,634	221,426,753	69	31	Apr. 1	July 1	10.99	12.14	....	2.87	2.75	28.75	100	28.75	80	22.00	25
46. Paterson, N. J.	135,875	......	..	..	June 1	June	23.06	2.50	....	3.64	1.92	31.12	100	31.12	100	31.12	3
47. Springfield, Mass.	129,614	261,621,050	87	13	Dec. 1, '23	Oct. 15, '24	18.30	11.70	....	.93	1.57	32.50	100	32.50	100	32.50	1
48. Des Moines, Iowa	126,468	181,000,000	70	30	Apr. 1	Apr. Sept.	13.00	15.84	....	7.03	2.87	38.74	100	38.74	75	29.06	9
49. New Bedford, Mass.	121,217	217,592,075	60	40	Dec. 1, '23	Oct. 15, '23	10.77	5.38	7.75	.90	1.60	26.40	100	26.40	100	26.40	16
50. Nashville, Tenn.	118,342	121,636,640	96	4	Aug. 1, '23	Aug., '23 Dec., '23	17.00	....	....	11.00	....	28.00	100	28.00	70	19.60	29
51. Salt Lake City, Utah	118,110	183,744,587	79	21	Jan. 1	July 15	11.30	13.00	....	4.80	2.60	31.70	100	31.70	100	31.70	2
52. Camden, N. J.	116,309	148,424,000	89	11	Jan. 1	Apr. 1 Oct. 1	10.80	10.86	....	4.42	1.92	28.00	100	28.00	100	28.00	11
53. Albany, N. Y.	113,344	125,635,840	99	1	Jan. 1	Jan. 1	17.80	9.80	....	5.29	2.51	35.40	100	35.40	77	27.26	14
54. Lowell, Mass.	112,759	140,446,920	74	26	Jan. 1	Oct. 15	16.58	7.07	2.61	1.37	1.77	29.40	100	29.40	100	29.40	8
55. Wilmington, Del.	110,168	120,628,600	100	..	July 1	July 1	16.00	3.00	....	8.00	2.50	29.50	100	29.50	70	20.65	28
56. Cambridge, Mass.	109,694	152,261,600	88	12	Apr. 1, '23	Oct. 15, '23	10.20	8.50	5.65	1.30	4.25	29.90	100	29.90	100	29.90	7
57. Reading, Pa.	107,784	101,216,303	100	..	Jan., 1, Mon.	Mar. 1	11.50	10.00	....	4.00	....	25.50	100	25.50	75	19.12	30
58. Spokane, Wash.	104,437	83,540,675	87	13	Jan. 1	May 31 Nov. 30	18.50	15.75	....	12.52	13.63	60.40	50	30.20	88	26.58	15
59. Yonkers, N. Y.	100,176	208,079,130	99	1	Jan. 1	Mar. 1	8.83	11.44	5.86	3.78	2.18	32.09	100	32.00	82	26.31	17

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COMPARATIVE TAX RATES FOR 184 CITIES OVER 30,000 FOR 1924—*Continued*

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group IV Population, 50,000 to 100,000																	
60. Lynn, Mass.	99,148	115,891,075	85	15	Jan. 1	Oct. 15	10.35	9.47	7.76	1.60	2.62	31.80	100	31.80	100	31.80	5
61. Duluth, Minn.	98,917	77,372,622	74	26	Jan. 1	May 31	18.91	26.21	4.93	11.30	7.95	69.30	38	26.33	80	21.06	37
62. Tacoma, Wash.	96,965	58,599,506	..	..	Jan. 1	Feb. 15	23.74	13.00	....	19.79	14.73	71.26	50	35.63	50	17.82	46
63. Lawrence, Mass.	94,270	126,465,175	72.5	27.5	Jan. 1, '23	Oct. 1, '23	9.23	8.79	6.01	1.50	1.67	27.20	100	27.20	100	27.20	15
64. Utica, N. Y.	94,156	120,636,806	100	..	Jan. 1	Aug. 1	25.41	....	....	7.14	....	32.55	100	32.55	80	26.04	21
65. Erie, Pa.	93,372	120,043,483	..	..	Jan. 1, Mon.	Mar. 1	9.80	14.00	2.40	6.30	....	32.50	100	32.50	75	24.38	24
66. Somerville, Mass.	93,091	92,519,400	91	9	Jan. 1, '23	Oct. 15, '23	16.44	7.91	....	.98	3.87	29.20	100	29.20	100	29.20	9
67. Waterbury, Conn.	91,715	150,994,493	79	21	Jan. 1	May Nov.	33.40	....	....	....	....	33.40	100	33.40	80	26.72	18
68. Flint, Mich.	91,599	154,315,770	75	25	Mar. 1	July 1 Dec. 1	10.20	11.81	3.00	5.59	3.00	33.60	100	33.60	70	23.52	28
69. Oklahoma City, Okla.	91,295	118,011,389	81	19	July 1, '23	Jan. 1, '24	6.00	18.10	6.60	8.90	3.25	42.85	100	42.85	60	25.73	22
70. Schenectady, N. Y.	88,723	84,833,743	100	..	Jan. 1	June 1	25.63	19.59	....	10.02	....	55.24	100	55.24	50	27.62	12
71. Canton, Ohio	87,091	153,852,700	65	35	Jan. 1	Dec. 20, '23 June 20, '24	8.64	12.15	....	3.75	.26	24.80	100	24.80	60	14.88	49
72. Evansville, Ind.	85,264	120,105,930	80	20	Jan. 1	May 1 Nov. 1	10.30	9.10	....	5.70	3.00	28.10	100	28.10	100	28.10	11
73. Manchester, N. H.	78,384	117,339,683	81	19	Jan. 1	Apr. 1	13.84	6.16	....	1.87	2.13	24.00	100	24.00	100	24.00	26
74. St. Joseph, Mo.	77,939	79,241,390	69	31	Apr. 18	May 5	10.00	12.25	2.00	7.75	1.00	33.00	100	33.00	65	21.45	36
75. Bayonne, N. J.	76,754	150,565,851	74	26	Jan. 1	June 1 Dec. 1	10.27	10.48	8.27	6.59	4.49	40.10	100	40.10	60	24.06	25
76. San Diego, Calif.	74,683	114,752,269	86	14	Jan. 1	June 2	11.65	8.90	8.35	23.90	....	52.80	100	52.80	50	26.40	20
77. Wilkes-Barre, Pa.	73,833	90,358,363	96	4	Jan. 7	Apr. 1	12.00	15.00	....	11.60	....	38.60	100	38.60	60	23.16	29
78. Wichita, Kans.	72,217	115,000,000	70	30	Jan. 1, '23	Nov. 1, '23	9.00	16.00	....	4.28	2.32	31.60	100	31.60	70	22.12	31
79. Troy, N. Y.	72,013	65,174,322	100	..	Jan. 1	Jan. 1 July 1	23.31	11.37	....	10.77	....	45.45	100	45.45	90	40.91	2
80. Sioux City, Iowa	71,227	24,110,477	76	24	Apr. 1, '23	Jan. 1, '24	48.00	66.60	....	21.90	11.50	148.00	25	37.00	60	22.20	30
81. South Bend, Ind.	70,983	161,000,000	67	33	Jan. 1	May 5 Nov. 3	7.70	10.70	....	4.60	3.00	26.00	100	26.00	70	18.20	45
82. Portland, Me.	69,272	108,358,275	69	31	Jan. 1	Sept. 1	16.06	7.83	2.53	1.31	5.87	33.60	100	33.60	57	19.15	43
83. Hoboken, N. J.[24]	68,166	95,192,658	91	9	Jan. 1	June 1	18.73	17.29	....	6.85	4.61	47.48	100	47.48	90	42.73	1
84. Johnstown, Pa.	67,327	......	..	..	Jan. 1	July 1	14.00	14.50	....	6.00	....	34.50	100	34.50	80	27.60	13
85. Brockton, Mass.	66,254	65,426,650	83	17	Dec. 1, '23	Oct. 15, '23	25.14	9.45	....	1.44	1.77	37.80	100	37.80	80	30.24	7
86. Terre Haute, Ind.	66,083	89,283,790	75	25	Jan. 1	May 1 Nov. 1	10.65	14.45	....	5.89	4.01	35.00	100	35.00	90	31.50	6
87. Sacramento, Calif.	65,908	85,410,490	84	16	Jan. 1	Oct. 20	11.12	19.30	6.48	10.70	....	47.60	100	47.60	72	34.27	3
88. Little Rock, Ark.	65,142	59,451,305	70	30	July 1, '23	Jan. 1	5.00	12.00	....	8.50	8.70	34.20	50	17.10	67	11.40	50
89. Saginaw, Mich.	61,903	87,285,438	77	23	July 1	July 1 Dec. 1	12.67	11.94	....	6.87	2.70	34.18	100	34.18	80	27.34	14
90. Mobile, Ala.	60,777	......	..	..	Oct. 1, '23	Jan. 1, '24	11.00	....	....	23.00	....	34.00	100	34.00	60	20.40	40

91. Holyoke, Mass.	60,203	113,504,790	78	22	Dec. 1, '23	Oct. 15, '23	9.82	6.96	2.27	.69	1.76	21.50	100	21.50	100	21.50	35
92. New Britain, Conn.	59,316	94,824,283	82	18	Apr. 1	July 1	9.92	9.75	1.26	.35	.72	22.00	100	22.00	84	18.44	44
93. Springfield, Ill.	59,183	29,409,569	75	25	Mar. 1, '23	Jan. 1, '24	24.15	27.50	2.75	8.00	5.40	67.80	50	33.90	60	20.34	41
94. Covington, Ky.	57,121	38,642,620	88	12	Jan. 1	June Oct.	14.14	8.50	3.11	....	8.20	33.95	100	33.95	80	27.16	16
95. Davenport, Iowa[25]	56,727	70,078,990	82	18	Apr. 1	Sept. 1	27.00	30.55	1.60	11.70	5.75	76.60	50	38.30	70	26.81	17
96. Wheeling, W. Va.	56,208	114,023,668	73	27	July 1, '23	Nov. 1, '23	4.88	7.30	2.46	5.00	1.40	21.04	100	21.04	100	21.04	38
97. Berkeley. Calif.	56,036	71,000,000	70	30	July 1, '23	Oct. 19, '23	9.80	4.80	1.20	30.60	....	46.40	100	46.40	70	32.48	4
98. Long Beach, Calif.	55,593	115,927,560	50	50	Mar. 1, '23	Oct. 15, '23	13.70	15.50	2.00	7.50	....	38.70	100	38.70	50	19.35	42
99. Gary, Ind.	55,378	131,308,335	75	25	Jan. 1	May 5 Nov. 3	9.20	11.40	....	6.20	2.80	29.60	100	29.60	85	25.16	23
100. Portsmouth, Va.	54,387	42,790,359	83	17	Jan. 1, '23	Nov., '23	11.00	10.00	....	....	2.50	23.50	100	23.50	70	16.45	48
101. Lancaster, Pa.	53,150	33,000,000	100	..	June 1	June 1	11.00	14.00	....	2.00	....	27.00	100	27.00	80	21.60	34
102. Augusta, Ga.	52,548	49,481,773	65	35	Jan. 1	Apr. 20 July 20 Oct. 20	8.00	14.00	10.00	6.40	5.00	43.40	100	43.40	50	21.70	33
103. Tampa, Fla.	51,608	......	..	..	June 1, '23	Oct. 1, '23	25.50	13.00	....	36.00	11.50	86.00	100	86.00	33	28.67	10
104. Roanoke, Va.	50,842	57,000,000	68	32	Jan. 1, '23	Nov. 1, '23	15.75	6.75	....	....	2.50	25.00	100	25.00	68	17.00	47
105. Niagara Falls, N. Y.	50,760	110,124,320	100	..	Jan. 1	Nov., '23	9.43	7.52	....	7.03	....	23.98	100	23.98	100	23.98	27
106. East Orange, N. J.	50,710	89,634,187	89	11	Jan. 1	June 1 Dec. 1	10.27	8.41	3.49	5.60	4.23	32.00	100	32.00	65	20.80	39
107. Atlantic City, N. J.	50,707	195,918,427	94	6	Jan. 1	June 1 Dec. 1	15.14	6.60	....	4.26	4.00	30.00	100	30.00	100	30.00	8
108. Bethlehem, Pa.	50,358	63,521,333	95	5	Jan. 7	Mar. 1	11.00	13.00	....	5.00	....	29.00	100	29.00	75	21.75	32
109. Topeka, Kans.	50,022	75,485,819	73	27	Jan. 1, '23	Dec. 20, '23 June 20, '24	9.30	11.40	2.69	5.69	2.32	31.40	100	31.40	85	26.69	19
Group V Population, 30,000 to 50,000																	
110. Malden, Mass.	49,103	56,009,950	85	15	Jan. 1, '23	Oct. 15, '23	26.67	....	....	1.23	4.00	31.90	100	31.90	90	28.71	16
111. Hamtramck, Mich.	48,615	94,436,117	66	34	July 1	July 15	12.92	7.75	....	2.63	2.45	25.75	100	25.75	75	19.31	48
112. Kalamazoo, Mich.	48,487	73,155,420	70	30	Jan. 1	July 1	12.00	14.34	....	6.19	3.12	35.65	100	35.65	85	30.30	10
113. Winston-Salem, N. C.	48,395	113,968,197	45	55	June 1, '23	Oct. 1, '23	7.20	2.30	....	5.50	....	15.00	100	15.00	80	12.00	64
114. Quincy, Mass.[26]	47,876	83,130,075	88	12	Jan. 1, '23	Oct. 15, '23	11.36	7.10	5.31	.94	3.69	28.40	100	28.40	100	28.40	17
115. Bay City, Mich.	47,554	46,969,879	78	22	July 1	Aug. 1 Dec. 1	14.87	14.76	....	5.34	2.45	37.42	100	37.42	80	29.94	11
116. Highland Park, Mich.	46,499	184,826,000	47	53	July 1	July 1 Dec. 1	9.40	7.60	....	2.57	2.44	22.01	100	22.01	80	17.61	56
117. Elmira, N. Y.	45,393	44,177,604	99	1	Jan. 1	July 1 Jan. 1	14.88	13.07	....	....	11.25	39.20	100	39.20	70	27.44	21
118. Fresno, Calif.	45,086	46,431,611	78	22	July 1, '23	Oct. 19, '23	20.66	16.66	....	21.00	....	58.32	100	58.32	50	29.16	14
119. New Castle, Pa.	44,938	33,735,410	90	10	Jan. 7	Mar. 1 July 1	11.25	20.00	2.25	7.00	....	40.50	100	40.50	50	20.25	43
120. Galveston, Tex.	44,255	56,315,852	75	25	July 1	Sept. 1	16.00	4.00	....	11.00	7.50	38.50	100	38.50	75	28.88	15
121. Shreveport, La.	43,874	89,153,600	75	25	Jan. 1 '23	Nov. 1, '23	10.50	5.50	....	6.50	5.25	27.75	100	27.75	60	16.65	58
122. Decatur, Ill.	43,818	......	..	..	May 1, '23	Jan. 1, '24	29.20	36.00	....	18.00	5.00	88.20	50	44.10	67	29.40	12
123. Chelsea, Mass.	43,184	47,725,600	85	15	Jan. 1, '23	Oct. 15, '23	14.75	12.54	3.80	....	1.91	33.00	100	33.00	100	33.00	5
124. Mount Vernon, N. Y.	42,726	84,000,000	100	..	Jan. 1	Jan. 31 July 31	9.93	12.50	....	6.57	....	29.00	100	28.00	90	26.10	24
125. Salem, Mass.	42,529	48,347,180	79	21	Jan. 1, '23	Nov. 1, '23	12.86	9.19	7.06	1.95	2.74	33.80	100	33.80	100	33.80	3
126. Pittsfield, Mass.	41,763	51,969,755	84	16	Jan. 1	Oct. 15, '23	19.17	....	6.38	1.59	2.06	29.20	100	29.20	100	29.20	13
127. Butte, Mont.	41,611	81,719,595	70	30	May 1, '23	June 1, '23 Nov. 1, '23	22.20	21.60	1.15	22.50	4.40	71.85	33	23.95	75	17.96	55

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COMPARATIVE TAX RATES FOR 184 CITIES OVER 30,000 FOR 1924—*Continued*

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of Assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
128. Lexington, Ky.	41,534	43,972,835	100	..	Jan. 1	Jan. 1	14.26	7.62	....	1.12	8.00	31.00	100	31.00	60	18.60	51
129. Lima, Ohio	41,326	51,836,840	63	37	Jan.	Dec., '23 June, '24	1.66	9.04	5.02	5.93	2.95	24.60	100	24.60	60	14.76	63
130. Fitchburg, Mass.	41,029	57,227,450	64	36	Dec. 1, '23	Sept. 15, '23	12.28	6.60	5.02	1.05	1.45	26.40	100	26.40	80	21.12	41
131. Kenosha, Wis.	40,472	58,547,820	74	26	Jan. 1	Jan. 1	14.10	11.00	....	4.70	1.20	31.00	100	31.00	60	18.60	52
132. Everett, Mass.[27]	40,120	54,329,400	83	17	Jan. 1, '23	Oct. 1, '23	11.49	8.38	4.40	.89	4.34	29.50	100	29.50	80	23.60	34
133. Wichita Falls, Tex.	40,079	31,409,540	75	25	Apr. 1	Jan. 1	25.00	10.00	....	8.00	7.50	50.50	100	50.50	50	25.25	28
134. Oak Park, Ill.	39,858	18,288,377	82	18	Jan. 1, '23	Jan. 1	3.68	6.63	....	.64	.50	11.45	100	11.45	100	11.45	65
135. Superior, Wis.	39,671	46,810,886	80	20	Jan. 1	June 1	9.90	12.43	....	10.31	1.50	34.14	100	34.14	75	25.60	26
136. Springfield, Mo.	39,631	37,610,053	70	30	July 1	Sept. 1	9.18	8.50	2.32	5.30	1.00	26.30	100	26.30	70	18.41	53
137. Charleston, W. Va.	39,608	95,188,960	82	18	July 1, '23	Oct. 15, '23 Apr. 15, '24	5.00	9.20	1.45	4.45	1.40	21.50	100	21.50	70	15.05	62
138. Dubuque, Iowa	39,141	43,612,000	74	26	Apr. 1	Jan. 1	14.25	14.44	....	6.26	2.55	37.50	100	37.50	70	26.25	23
139. Medford, Mass.	39,038	47,473,900	92	8	Jan. 1, '23	Nov. 1, '23	25.38	....	4.05	1.12	3.65	34.20	100	34.20	90	30.78	9
140. Jamestown, N. Y.	38,917	31,899,374	100	..	Mar. 1	June 1	16.80	19.88	....	6.71	2.92	46.31	100	46.31	60	27.79	20
141. Waco, Tex.	38,500	53,090,100	..	..	Oct. 1, '23	Oct. 1, '23	10.03	6.50	5.77	4.00	7.50	33.80	100	33.80	75	25.35	27
142. Joliet, Ill.	38,442	12,756,578	70	30	Jan. 1	Jan. 7	24.90	55.00	....	14.10	5.00	99.00	50	49.50	50	24.75	30
143. Brookline, Mass.	37,748	118,165,000	86	14	Jan. 1, '23	Oct. 15, '23	9.34	4.78	1.75	1.35	2.78	20.00	100	20.00	100	20.00	44
144. Columbia, S. C.	37,524	29,200,000	80	20	Jan. 1, '23	Oct. 15, '23	26.00	20.00	....	17.00	6.00	69.00	42	28.98	59	17.25	57
145. Evanston, Ill.	37,234	24,151,434	81	19	Jan. 1	Jan. 1	31.80	52.50	....	6.40	5.00	95.70	50	47.85	45	21.53	37
146. Muncie, Ind.	36,524	57,000,000	58	42	Jan. 1	Jan. 1	6.60	10.50	1.00	6.80	3.00	27.90	100	27.90	100	27.90	19
147. Waterloo, Iowa[28]	36,230	29,376,812	57	43	Apr. 1	Jan. 1 Sept. 1	47.62	101.50	10.87	26.90	11.52	198.41	25	49.60	40	19.84	45
148. Chicopee, Mass.	36,214	46,483,500	75	25	Dec. 1, '22	Oct. 15, '23	9.48	9.15	4.24	.94	2.19	26.00	100	26.00	80	20.80	42
149. New Rochelle, N. Y.	36,213	105,113,940	100	..	Jan. 1	Apr. 21	13.66	6.94	2.48	3.02	1.85	27.95	100	27.95	100	27.95	18
150. Auburn, N. Y.	36,192	27,334,840	100	..	July 1	July 1, '24 Sept. 1, '24 Feb. 1, '25	20.57	10.01	....	6.04	5.25	41.87	100	41.87	80	33.50	4
151. Battle Creek, Mich.	36,164	52,708,410	75	25	Mar. 1	Aug. 20, '24 Jan. 10, '25	10.00	13.28	....	3.78	3.73	30.79	100	30.79	100	30.79	8
152. Quincy, Ill.	35,978	18,298,007	70	30	May 1, '23	Feb. 1, '24	21.70	28.40	....	4.95	7.10	62.15	50	31.08	60	18.65	50
153. Newport News, Va.	35,596	44,356,210	75	25	July 1	Nov. 1	14.10	9.00	....	....	2.50	25.60	100	25.60	60	15.36	61
154. Stamford, Conn.[29]	35,096	55,848,570	..	..	Jan. 1	Sept. 1	32.50	....	....	....	....	32.50	100	32.50	60	19.50	47
155. Poughkeepsie, N. Y.	35,000	40,206,615	100	..	Jan. 1	Feb. 15	16.90	7.64	....	6.93	....	31.47	100	31.47	80	25.18	29
156. Pontiac, Mich.	34,273	46,714,609	73	27	Jan. 1	July Dec.	18.84	18.05	....	7.43	3.27	47.59	100	47.59	80	38.07	1
157. Danville, Ill.	33,776	......	..	..	May 1, '23	Jan. 1, '24	21.70	27.50	....	13.80	5.00	68.00	50	34.00	70	23.80	33
158. Amsterdam, N. Y.	33,524	29,376,492	100	..	Jan. 1	Aug. 1	26.34	....	....	....	13.92	40.26	100	40.26	60	24.16	32
159. Wilmington, N. C.	33,372	43,599,619	90	10	June 1, '23	Oct. 1, '23	9.50	12.50	....	1.25	....	23.25	100	23.25	85	19.76	46
160. Ogden, Utah	32,804	38,764,505	67	33	July 1	July 1	11.00	15.90	....	5.33	3.07	35.30	100	35.30	75	26.48	22
161. New Brunswick, N. J.	32,779	44,651,630	91	9	Jan. 1	June 1 Dec. 1	20.60	12.90	....	8.00	4.60	46.10	100	46.10	75	34.58	2
162. Norristown, Pa.	32,319	21,698,695	90	10	Jan. 1	July 1	10.00	17.00	2.50	3.00	....	32.50	100	32.50	50	16.25	59
163. Hazleton, Pa.	32,277	25,462,045	93	7	Jan. 7	Apr. 1 July 1	11.00	20.00	....	11.66	....	42.66	100	42.66	50	21.33	39

164. Lewiston, Me.	31,791	31,497,167	83	17	Mar. 1	Aug. 21	19.96	5.97	.24	1.20	4.63	32.00	100	32.00	60	19.20	49
165. Watertown, N. Y......	31,285	42,538,000	99	1	July 1	Jan. 1 July 1 Sept. 1	16.50	11.00	....	6.55	2.15	36.20	100	36.20	88	31.86	6
166. Columbus, Ga.........	31,125	37,404,598	71	29	Jan. 1	Aug. 1	10.00	6.00	2.00	13.00	5.00	36.00	100	36.00	60	21.60	36
167. Green Bay, Wis.	31,017	47,000,000	76	24	Jan. 1	Dec. 15, '23	7.63	8.90	3.92	5.72	1.33	27.50	100	27.50	80	22.00	35
168. Petersburg, Va	31,012	41,706,560	60	40	July 1	July 1	15.50	4.50	....	....	2.50	22.50	100	22.50	80	18.00	54
169. Moline, Ill............	30,734	12,031,174	68	32	Apr. 1	Mar.	28.60	40.00	....	11.20	5.00	84.80	50	42.40	50	21.20	40
170. Muskogee, Okla.	30,277	32,000,000	69	31	July 1, '23	Dec., '23 June, '24	14.12	15.21	....	10.51	3.25	43.09	100	43.09	60	25.85	25
171. Newport, R. I.........	30,255	82,527,900	59	41	Jan. 1	July 20	9.50	....	....	....	12.00	21.50	100	21.50	100	21.50	38
172. Colorado Springs, Colo.	30,105	39,798,800	..	..	Jan. 1	Feb. 1 Aug. 1	14.50	13.22	....	9.05	3.93	40.70	100	40.70	78	31.35	7
173. Lynchburg, Va........	30,070	30,561,312	91	9	Feb. 1	Sept. 1	11.00	9.00	....	....	2.50	22.50	100	22.50	70	15.75	60
174. Kokomo, Ind..........	30,067	46,000,000	..	..	Jan. 1	May Nov.	7.30	7.30	....	7.00	3.00	24.60	100	24.60	100	24.60	31
Canadian Cities																	
1. Montreal, Que.[30]	618,506	735,319,858	100	..	May 1	Oct. 1	13.50	10.00	.50	....	....	24.00	100	24.00	100	24.00	7
2. Toronto, Ont.[31]........	521,893	851,953,583	100	..	Jan. 1	May 9 July 9 Sept. 9	12.25	9.75	8.00	....	....	30.00	100	30.00	75	22.50	9
3. Winnepeg, Man.[32]	179,087	237,892,540	100	..	Jan. 1	June 16	10.75	12.27	2.77	....	2.71	28.50	86	24.51	100	24.51	6
4. Vancouver, B. C.[33].....	117,217	208,204,060	100	..	Jan. 1	Aug. 4	11.84	8.38	8.28	....	....	28.50	81	22.97	100	22.97	8
5. Hamilton, Ont.[34]	114,151	144,515,380	100	..	Jan. 1	July 1 Sept. 1	10.99	12.37	8.64	....	....	32.00	100	32.00	100	32.00	2
6. Ottawa, Ont.[35]	107,843	141,778,678	84	16	Jan. 1	June 18 Nov. 18	15.42	10.90	5.38	....	....	31.70	100	31.70	67	21.13	10
7. Edmonton, Alberta[36] ..	58,821	61,527,040	100	..	Jan. 1	May 1	19.43	21.57	....	....	....	41.00	100	41.00	80	32.80	1
8. Halifax, N. S..........	58,372	58,465,475	100	..	May 1	July 31	19.50	9.60	....	.80	....	29.90	100	29.90	100	29.90	5
9. St. John, N. B.........	47,166	53,360,150	88	12	Jan. 1	July 20	13.30	9.10	....	8.00	....	30.40	100	30.40	100	30.40	3
10. Victoria, B. C.[37].......	38,727	58,115,938	100	..	Jan. 1	Aug. 15	12.06	9.47	17.87	....	....	39.40	76	29.94	100	29.94	4

SEE FOOTNOTES ON PAGE 708

[1] *New York City.* The assessed valuation given is exclusive of $482,066,870, the valuation of buildings exempted until 1932 from local taxation but assessed for state tax. The official computation gives a single rate for city and county purposes; the tax rate for county purposes is computed upon the basis of assessed valuation; the rates for city and schools are in proportion to the budget appropriations. In addition to the rate given, there are a number of assessments for local improvements levied on the several boroughs and on the city at large, collectable with the tax. The ratio of assessed to true value is on the basis of the state equalization rates for 1923.

[2] *Chicago.* The city rate includes sanitary district, forest preserve district of Cook county, and park district rates; the rate shown is for South Park district (central business section and south side of city). Rates in other parts of the city are slightly higher because of variations in the park rate.

[3] *Philadelphia.* The city rate includes the cost of county government, which is consolidated with the city; the city rate also includes city debt service. The rates given are on city realty, comprising 94 per cent of all realty; suburban realty (5 per cent of all realty) is taxed at two-thirds, and farm realty (1 per cent of all realty) at one-half, of the city realty,—except that property in poor districts (having local poor taxes) is further relieved of such poor taxes. There is a 4-mill tax on money at interest and vehicles to hire, comprising the personalty valuation. In all, there are nine distinct tax rates. Discount is allowed on taxes paid before June, and a penalty charged after December. There is no state tax on realty in Pennsylvania.

[4] *Cleveland.* The city rate includes library rate of 72 cents.

[5] *St. Louis.* The city rate includes the cost of county government, which is consolidated with the city.

[6] *Baltimore.* The city rate includes the county, which is consolidated with the city. There are several rates applied to nine bases of assessed valuation. The rate shown is applied against realty and tangible personalty in the "old city," comprising 50 per cent of the valuation; rates on other classes of property in the old city and new addition are lower.

[7] *Los Angeles.* The city rate includes flood control rate of 70 cents. Legal basis of assessment is 100 per cent, but for basis of taxation 50 per cent is used. There are fourteen distinct tax districts. There is no state tax on real estate in California.

[8] *Buffalo.* The city rate includes school and debt; the state rate includes county (division not furnished).

[9] *San Francisco.* The city rate includes the county, which is consolidated with the city (see note 7).

[10] *Washington.* Appropriations for the District of Columbia are made by Congress, 60 per cent of the total being raised by taxation, and 40 per cent paid by the Federal Treasury. (See October, 1923, NATIONAL MUNICIPAL REVIEW for full description.) Details of the total rate were not furnished.

[11] *Cincinnati.* The city rate includes 55 cents for university and observatory.

[12] *Minneapolis.* Real estate is assessed at 40 per cent of true value and personalty at 25 per cent to 33⅓ per cent. Money and credits (assessed at $100,940,720, not included in the valuation here reported) are taxed 3 mills on the dollar.

[13] *Kansas City.* The valuation shown is for school, county, and state purposes. The valuation for city tax is $147,333,840, with a rate of $12.50, which is adjusted for the valuation shown. In addition to the city rate, $2.50 per $1,000 assessed valuation of real estate ($269,295,000) is added as a special assessment for park and boulevard purposes.

[14] *Seattle.* The city rate includes $1.50 port rate.

[15] *Rochester.* The valuation includes personalty of less than 1 per cent, which is omitted from this table; all New York cities are so tabulated.

[16] *Portland.* The city rates include $2.30 dock rate, and $2.20 port rate.

[17] *Toledo.* The city rate includes 43 cents for university. The school rate includes 48 cents for library.

[18] *Providence.* There is no county government in Rhode Island, therefore, no county rate. In addition to the above rates, $4 per $1,000 is assessed on an intangible valuation of $133,123,820.

[19] *Oakland.* County rate includes 90 cents for a utility district now forming.

[20] *Atlanta.* The school rate is estimated, the city remits schools 26 per cent of total revenues.

[21] *Richmond.* There is no county rate for cities in Virginia, as they are autonomous.

[22] *Dayton.* Both city and county rates include flood prevention charges.

[23] *Hartford.* In addition to the realty tax above reported, the city raises, through levy and collection by the state treasurer, a 1 per cent tax (deducting the amount paid in taxes upon real estate) upon a corporation stock valuation of $119,258,745, which is the taxable valuation of the stock of certain corporations held by residents.

[24] *Hoboken.* The above rates are for Old Hoboken; the Weehawken Addition is allowed part of the interest on street improvement bonds, making a rate of $16.94.

[25] *Davenport.* City rate is upon the 50 per cent valuation shown, all other rates being adjusted from a 25 per cent valuation.

[26] *Quincy.* Realty valuation includes $217,950 capital stock, and $405,202 railroad.

[27] *Everett.* The state rate includes a metropolitan rate of $2.25 for water, park, and sewerage.

[28] *Waterloo.* In addition to the rates given there is a rate of $5 on money and credits, assessed at $8,641,652.

[29] *Stamford.* The rate shown is comprised of $14.80 city rate, and $17.70 town rate. School rate is included in town rate. There is no county or state tax.

[30] *Montreal.* The school rate shown is the Protestant rate, the Catholic rate is $7; the Neutral (comprising business corporations) rate is $12. There is no county tax in Canadian cities. Montreal has no direct provincial (state) tax.

[31] *Toronto.* Realty valuation includes 8.7 per cent income and 10.5 per cent business. Toronto has no direct provincial tax.

[32] *Winnipeg.* Land, valued at $137,784,350, is assessed at 100 per cent; improvements valued at $100,108,191 are assessed at 66⅔ per cent, 86 per cent being the adjusted rate.

[33] *Vancouver.* Land valued at $125,604,290 is assessed at 100 per cent; improvements valued at $82,599,770 are assessed at 50 per cent, 80.6 per cent being the adjusted rate.

[34] *Hamilton.* Realty valuation includes 6.2 per cent income and 9.3 per cent business.

[35] *Ottawa.* The city has both Protestant and Separate (Roman Catholic) schools, both paying the high school rate; the Separate School rate is $4 higher than the Public School rate, making a total adjusted rate for Separate Schools of $23.80.

[36] *Edmonton.* Land is assessed at 100 per cent, buildings at 60 per cent (valuation not stated).

[37] *Victoria.* Land, valued at $30,391,318, is assessed at 100 per cent; improvements, valued at $27,724,620, are assessed at 50 per cent, 76 per cent being the adjusted rate.

RECENT BOOKS REVIEWED

The Reorganization of the Administrative Branch of the National Government. By W. F. Willoughby, Institute for Government Research. Baltimore: Johns Hopkins Press, 1923. Pp. xv—298.

Administrative organization in the United States, nation, state, and municipal, has been the product of very gradual and, generally speaking, a very haphazard growth. In the matter of noncorrelation and bewildering disarray of administrative units the states have been the worst offenders, although in recent years the problem of resolving some order out of chaos has been tackled in a number of states with varying measures of success. Many city governments have achieved a considerable degree of harmonious, systematic, and common sense design in their organizations by reason of the relative ease and frequency with which municipal charters are completely revised. The national administration has been saved from the kind of disorganization so commonly found in the states, not by congressional superiority of wisdom or difference of political philosophy, but by the fortuitous circumstance of an extra-constitutional institution, to wit, the president's cabinet. In creating administrative agencies congress has for the most part considered on the one hand the advisability of having these agencies subordinate to a cabinet spokesman and on the other hand the inadvisability of multiplying the membership of the cabinet. Hence the limited number of "regular" departments and hence also, to some extent at least, the reason for the amount of dissociation and unrelation of services that prevails.

For congress has worked by piecemeal. It has kept down the number of departments by tacking on unrelated services, and it has not always done this as wisely as might be. It has moreover never undertaken a complete overhauling of the gigantic organization that has been erected through the years by so many successive architects and builders.

It is this general overhauling that Mr. Willoughby calls for and toward the realization of which his volume contributes so sanely and helpfully. He surveys the existing organization with a comprehensive knowledge of its manifold parts. He points to many obvious absurdities and he proposes a plan of reorganization that will not only eliminate admitted absurdities but will also bring about certain regroupings that appear to be desirable, both from a theoretical and practical point of view.

Of necessity the essence of the author's proposals consists of numerous details, many of which are none the less important because they may be gathered under this sometimes opprobrious caption. These details cannot be here discussed or even outlined. To be understood and appreciated the book must be read in its entirety. Suffice it to say that the author recognizes that his task is difficult and that it leaves room for many honest and intelligent differences of opinion. He is never bigoted or stubborn minded.

It is manifest on the face of things that mere size and functional variety create problems of administrative organization which cannot be settled by any rule of thumb. There is no right or wrong, no best or worst plan of organization, there is no norm, no standard. This is true of every large organization, whether it be a university, a department store, a railroad, or a government. The relationships of services are numerous and complicated. One can only study them functionally and conclude that such and such organization appears to be advisable. In doing this one must realize that many possible and not unreasonable relationships must be sacrificed in order that others may be secured. Mr. Willoughby realizes this, with the result that his study is not only instructive and constructive but also free from preconceptions and bias.

Howard Lee McBain.

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Personality in Politics. By William Bennett Munro. New York: The Macmillan Company, 1924. Pp. 114.

As Professor Munro rightly says, personality counts for much in politics. It is a factor, however, which has received too little attention from political scientists, although signs are not lacking of an invigorated interest which may lead us into a greater understanding of why so many good motives fail and so many lesser motives succeed. As an introduction to such understanding this little book serves well. Being the substance of a series of lectures delivered at the University of North Carolina, the style is easy and informal and is bound to attract a wide circle of readers.

The three characteristic personalities which the author considers are in turn the reformer, the boss, and the leader, but his strongest criticism is spent upon the reformer, while he reserves for the boss more sympathetic treatment than this much-maligned individual usually receives. Measured by results attained, the boss undoubtedly deserves the palm. The reformer may at times prove a troublesome sniper and the leader may prove a dangerous contender for power; but measured by standards of success in other trades the boss has been successful. Nevertheless, in the United States, at least, the dividing line between the boss and the leader has occasionally been narrow if not imperceptable, and some leaders have been reformers.

Professor Munro believes, and few will dispute, that the term, reform, has become obnoxious by reason of its use in many futile campaigns. Judged by concrete accomplishment the reformer has made a poor showing. He is visionary, intolerant, impractical in that he is too inclined to develop his ideas to logical conclusions without consideration as to how to make them work in actual life. He seems possessed of a notion that laws and government function in a vacuum, and hence that the atmosphere may be left out of the reckoning. Furthermore, each demands to be a star; reformers are possessed of the prima donna complex and will not pool their strength. Their electoral psychology is unusually poor, even their political slogans are unfortunate.

Three things, concludes Professor Munro, are essential if the reformer is to hang up a record of achievement. He must aim at something less than the complete and immediate transformation of human nature. Reforms must be brought into relation with each other, although, in the mind of the reviewer, at least, the demand upon human powers of self-denial involved in this simple condition are immense. And more attention must be paid to the psychology of furthering a good cause. "Reform organizations have paid too little attention to the dressing of their front windows."

Unquestionably, reformers should pay attention to these things. We think that in future they will do so more and more. Perhaps by giving thought they may add a cubit (or two) to their stature. Already we see signs that their technic is improving.

The trouble arises from the reformer's human nature, yet the author believes that he has had a place, just as he is, in the division of labor in the wide field of politics. The reformer is bound to be an extraordinary individual overdeveloped, perhaps, on the moral side. The career of a boss offers satisfaction to the widest range of human instincts—the desire for battle, wealth, power, honor and fame. It has, therefore, never failed to attract men equipped to succeed as the world views success. But the true reformer is primarily the victim of a single impulse and that is to identify himself with a moral issue. In it other instincts have been dissolved and of course he considers his one reform to be the sum of the world's need. If he didn't, whence would come the impulse to work for it. Professor Munro's advice to the reformer is sound. He should accept all that he can. But if he is necessary, and Professor Munro credits his work with a considerable degree of success, it is fair to remember that if he were developed on all sides he would be simply an ordinary individual and not a reformer.

For the discussion of the boss and the leader, the reader will have to turn to the book. The leader is the boss whose position is recognized by the rules of his party or the law of the land. Democracy needs leaders but is distrustful of them. We have been niggardly in bestowing official discretion and therefore have not created places to which leaders may aspire. As a consequence we have the boss, and the question remains how can democracy be assisted in developing leaders.

The author has wisely said that more studies of individual bosses are needed before we will understand the sources of their strength. An intensive study of types of reformers might also yield valuable results.

The present reviewer is grateful to Professor Munro for this little book. It is one which any intelligent person can read with profit, and should be incorporated bodily into all college courses on political parties and party government.

H. W. D.

Current Problems in Citizenship. By William Bennett Munro. New York: Macmillan Company, 1924. Pp. xiii, 541.

This book is evidently meant for use in the last year of the high school. With a large number of others which have recently appeared, it is an answer to the demand on the part of educational administrators for such instruction as will introduce the boys and girls who are just about leaving school to maturer thought about the economic, political and social problems of the day. Somewhat over half of the present text is devoted to political organization; the lesser half being divided nearly evenly between economic, social, and international questions. One hesitates to follow the common terminology and differentiate "social" from economic and political questions, for surely the last two are also "social" if anything is.

The author is a professor of municipal government and his interest naturally turns to questions of politics; another similar book by an economist devotes most of its attention to our economic organization. Surely the time has come for some standardization of "Problems of Democracy" if the course is to continue to spread. Some authors will answer, "By no means. Publish a variety of books and let there be a free choice"; but who is to choose? Pupils certainly cannot do so. Precious few of the teachers have studied economics or government and therefore they cannot choose. The principals and superintendents are busy with school financing and educational politics; and so they will not give serious thought to the arrangement of the course. It is the duty of those who write text-books and are therefore able, by their own confession, to act as leaders in this field. They must reach an understanding among themselves as to what the graduating class in the high schools generally need. Until they do reach some agreement, it is a little presumptuous on the part of anyone to say that a new book is or is not suited to the work for which it is intended. Who can know what kind of book is needed when no two of the doctors agree?

From the standpoint of the reviewer, the present book undertakes too much, as do most of the others. Too many topics are considered. The motto of the best educational thought in the social studies is *Multum non multa*. A few things, it is said, should be discussed fully enough for the pupil to understand and appreciate the situations placed before him. It is hardly probable that the stabilization of the dollar can be explained to a high school child in four small pages. Furthermore, it is doubtful whether the high school child needs to have it explained to him.

The reviewer wishes to make a proposal. This is, that some benefactor secure the co-operation of six or eight of those who have written text-books recently for this Grade 12 course, provide compensation and comfortable housing for them, and keep them in conference until they agree among themselves on one outline for the course. In order that this incarceration may not be permanent, the reviewer suggests that they be liberated as soon as a majority of them agree that the group can never agree. Such an outcome would be a sad commentary on educational leadership, but it would doubtless save the lives of the distinguished authors for other tasks.

X is asked to teach the problems course in Millville High School. He has never studied economics or government,—only history. His principal is a retired Latin teacher. X wishes to select a text. Where will he go for guidance? Is it not in order to protest against further confusion through the issue of additional books until we know something about the course for which they are offered? The problems of the teacher are as worthy of consideration as the "Problems of Democracy."

Edgar Dawson.

Hunter College.

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Politics: The Citizen's Business. By William Allen White. New York: The Macmillan Company, 1924. Pp. 330.

Here is a new book by the picturesque editor of the Emporia *Gazette*. Apparently this book has been written for the people of the whole country, but the reviewer has a sneaking notion that it may have been written more particularly for the people of "the parallelogram of progress, the greatest and freest and best state in the Union," in which the author ran as the independent candidate for governor.

Anyhow, it is a most entertaining book. That is, the first 128 pages are entertaining. They contain a description of the Republican and the Democratic national conventions of 1924 written in the author's best style—a somewhat satirical style. The remainder of the 330-page book constitutes the appendix! But it is not a case of the tail wagging the dog, since the appendix contains such inert matter as the party platforms and several convention speeches. And after all, this appendix may have been the idea of the publishers rather than of the author.

Mr. White has written two introductory chapters to his narrative of the national conventions. In these chapters he sketches very briefly the rise of political parties and then turns his attention to the development of interest groups—"organized minorities." The latter he chooses to call the "uncontrolled, but tremendously powerful, invisible government—the government of the minorities." These groups he has pictured in divers forms. "Whatever area of his consciousness irritated or itched him," the individual could find some group to attach himself to, "wherein other hundreds or thousands were gathered scratching the same itch, and they together could hire and latterly have hired, high-priced men and women, stationed them in city halls, state capitals and at Washington, to remove the irritation by remedial legislation or administrative action." As an illustration he laconically asserts: "The head of the American Legion appears in Washington, waves his hand, Congress jumps into a bellboy's uniform, takes orders, goes down to the White House and insults the President." He has named many groups, and none has escaped his vitrolic pen. For one, however, he seems to have special antipathy. And that is the K. K. K. This group he has characterized in his gubernatorial campaign as, "the cow-pasture nobility," "the nighty knights," and "the shirt-tail rangers."

Mr. White's idea of organized interest groups is not a new one. It was set forth some years ago in a book by A. F. Bentley, who showed how the governmental machine was being continuously operated upon by numerous more or less highly organized groups, which sought to get control of it and use it for their own purposes or impose upon it their own will under the guise of "the law." The resultant of these pressures Bentley called, "the process of government." White has put some new clothes on the academician's child.

Mr. White's style, it may be said, is bucolic as well as satirical. It is racy of the black soil of Kansas. The book is sketchy, extremely so. But the author has shrewdly anticipated the critics on this point, for in the introduction he calls it "a glimpsing book."

A. E. Buck.

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The Principles of Real Estate Practice. By Ernest M. Fisher. New York: The Macmillan Company, 1923. Pp. xvi, 309.

The Appraisal of Real Estate. By Frederick M. Babcock. New York: The Macmillan Company, 1924. Pp. ix, 380.

Books on real estate have not frequently been considered important from the standpoint of the student of governmental administration. When, however, such books deal with the problems of real estate values and income, they deserve the careful attention certainly of those concerned with questions of public finance, and possibly also of those interested in the further extension of our present public activities.

Prior to 1900, the real estate business, speaking generally, was based on hopes rather than on facts. Beginning with the publication of Hurd's *Principles of City Land Values* in 1903, a slender library grew up, in which for the first time in this country, economic relationships and trends in real estate values were analyzed as a basis for action. The persistence of unwelcome facts in upsetting calculations based on nothing more substantial than optimism, and the influence of the small list of thoughtful books on the subject have brought members of real estate boards throughout the country to realize that theirs is a business which can no longer be conducted according to the rules of a game of chance; that it is, in fact, a profession whose successful practice demands adequate training in fundamental principles.

As a result of this change in point of view, an ambitious series of books dealing (in the words of the editor) "with a field of economics that has been inadequately studied in the past" has been projected. The undertaking has the moral and financial support of the National Association of Real Estate Boards, and the work is being carried out under the editorship of Professor Richard T. Ely, director of the Institute for Research in Land Economics and Public Utilities at Madison, Wisconsin. Of the four volumes which have made their appearance, the two under discussion deal directly with the practical problems which confront the real estate man daily.

Principles of Real Estate Practice by E. M. Fisher is concerned primarily with office organization and management. It discusses the wide range of functions which are included in the term real estate business, outlines plans for office organization and administration designed to promote efficiency, and discusses briefly the social, economic and legal background of the business as a whole. The material on business administration is well organized and the treatment is clear and well balanced. Chapter VII dealing with the valuation of real estate and Chapter XII which discusses its taxation are summaries of the material previously set forth by the editor in his mimeographed texts for the use of his students. Professor Ely's arguments in favor of a fixed maximum tax rate for real estate, for an extension of indirect taxation, and his belief that a great public service is rendered by those who hold idle land while it ripens into use are accepted by the author without question. As a textbook in real estate practice, and as a handbook for real estate men, it has many points of superiority over other books in the field. Its subject matter in the main, however, is the outgrowth of the movement for efficiency in business management in general, rather than of the much newer movement in the real estate field for getting down to economic brass tacks.

The Appraisal of Real Estate by Frederick M. Babcock is primarily a treatise on applied economics. The author brought to his task not only a first-hand knowledge of the problems of the appraiser and a grasp of the work of his predecessors both on the theoretical and the practical sides of his subject, but also a training in mathematics which many previous writers on the subject lacked. Appearing, as it did, so shortly after the publication of the very excellent *Principles of Real Estate Appraising* by John A. Zangerle, this work by a hitherto unknown author was subjected to an unusually severe test. Not only does the work deserve to rank alongside Mr. Zangerle's volume, but in some respects it surpasses it. The relationship between the net income of a property and its fair market value has not elsewhere, so far as the reviewer is aware, been discussed so practically, so searchingly, and so clearly. Even in the theory of depth curves and of rules for the valuation of corner property—devices employed in the comparative valuation of urban lands in whose development and application Mr. Zangerle has played so active and honorable a part—Mr. Babcock has succeeded in making distinct contributions. His volume should be in the hands of every assessor and every appraiser.

The very fact, however, that these volumes were designed for use by men who in many cases have had no systematic training in economics—by men, some of whom at least, will be inclined to accept these volumes as gospel because they come to them bearing the endorsement of their local, state and national organizations—imposes a responsibility somewhat above the ordinary not only on the authors of the individual volumes but on the editor of the series as well. These responsibilities have not in all respects been satisfactorily discharged.

Evidences of loose thinking on economic subjects occur in both books. Mr. Fisher refers (p. 104) to "the tendency of land to decrease in value in cities whose population is not increasing." This is a misconception based on a very loose use of the word value. Speculative boom values, it is true, must inevitably decrease under such conditions. They may even decrease in cities where population is still increasing when facts replace hopes as the dominant factors in the real estate market. The relationship at any given moment, however, between the boom values of real estate and its normal values may be no closer than that between the price which a credulous individual will pay for a gold brick and the value of that brick at the mint.

On the same page, furthermore, Mr. Fisher makes the astonishing statement that "the more efficient use of present areas causes the demand for land to decrease with a falling off in value." The more efficient use of a certain body of farming land in the middle west did cause a decrease in the demand for farming land along the eastern seaboard, but the net increase in farm land values resulting from this shift has been very considerable. In Manhattan Island, population is slowly decreasing and the efficiency in the use of present areas has been increasing. If Mr. Fisher were correct in his contentions, the land values of Manhattan Island should now be reaching the vanishing point.

A less important slip occurs in Mr. Babcock's book, when the author divides the value of an improved property into three distinct elements: land value, building value and a third category which he calls "improved value" (pp. 69, 103). This last element of value he says cannot be allocated to either land or building, but is simply an intangible something which arises because of the ability and success of the promoter. Fortunately, however, Mr. Babcock makes no attempt to build any portion of his theories on this classification, and in his excellent chapter on the Appraisal of Income Property (Chap. VII) it becomes evident that his so-called "improved value" is part and parcel of the value of the improvement.

Another possible cause for misunderstanding on the part of the casual reader may arise from Mr. Babcock's failure to define adequately the important concept which he designates by the term "fair cash market value." That he had a very clear and definite concept in mind when he used that term becomes apparent in his later discussion, but his definition does not convey to the reader all the connotations involved in his subsequent analyses.

That the slips in the latter book are attributable chiefly to undue haste in its preparation rather than to any incapacity on the part of the author to analyze clearly is a supposition warranted by the evidences of such haste in the book itself. It contains numerous typographical errors, and in at least one case, (p. 58) apparently a dropped line. The use of the word "ground," furthermore, instead of land in many places is another evidence of hasty writing and careless editing.

The merits of both books are such, however, as to warrant the belief that they will reappear in further editions. In that event, it is to be hoped that the more obvious flaws in the present editions will be corrected.

Philip H. Cornick.

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The Great Game of Politics

To the Editor of the National Municipal Review:

Dear Sir: I object to W. L. Whittlesey's review of Kent's book on *The Great Game of Politics* wherein he says:

> . . . there is to Mr. Kent something mysterious and holy about the nature of government, while the will of the majority is so sacred as to be almost beyond thinking about. It must be kow-towed to as the New York *Herald-Tribune* kow-tows to its own legendary concept of Calvin Coolidge.
>
> That is journalism, the itch to play up a "story" whether there is one or not, the besotted craving for headlines whether justified or not. The study of accounting, history and political theory might help toward a cure. The development of standards, unit costs, regulated accounts and kindred betterments is altering the work and hence the nature of administration. The machine is affected and altered by the slowly rising tide of better habits in business and in other modes of our community life.

This is the talk of a faded pessimist who is evidently losing his grip, for of course we know the will of the majority *is sacred* and must be bowed to, not "kow-towed to," an offensive or flippant bit of American slang in bad taste in a review published in the National Municipal Review.

What does he mean by "the itch to play up a 'story'" whether there is one or not? He writes like some isolated "highbrow" feigning ignorance of campaign methods in a democracy which need all the "playing up" that Mr. Kent and others can give it until the technique of government catches up with the popular will or the "machine," no matter which.

He says the machine is "altered by the slowly rising tide of better habits in business" but he has the word "slowly" in the wrong place and he should have said that "due to public indifference the machine is but slowly affected by the rising tide of better habits in business."

He asks "What support does history give to the idea that more voters voting will cut tax rates?" Of course he knows that with the enormous growth of municipal activities the real question is "did the people get a dollar's return for every dollar spent" and not merely whether the tax rate came down when they were willing it should go up. Does he really need to be told (taking New York City alone) that when Tweed went to jail and Mayors Havermeyer and Wickham ('73–'76) succeeded Mayor Oakey Hall the taxpayer made great strides toward getting full value for every dollar spent; and further strides were made in 1895 when Mayor Strong, with all his faults, succeeded Mayors Grant and Gilroy; and again in 1902 when Mayor Low succeeded Mayor VanWyck?

Is he really serious in asking "what boss ever got rich out of politics and left a fortune in real money to his heirs?" My "besotted craving for headlines" enables me to reply "Richard Croker" (and there are plenty more).

Yours truly,

Richard Welling.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY W. A. BASSETT

Discouraging Increase in Traffic Accidents.—Appalling statistics on the loss of life, injuries and property damage resulting from traffic accidents from 1918 to 1923 inclusive are disclosed in a compilation made by the United States Census Bureau which has recently been made public. A discouraging feature of the facts presented is that in practically every state and in nearly all the cities examined, there was an increase of fatal accidents due to motor vehicle operation during 1923 as compared with 1918. The facts presented indicate that in 1923 not less than 22,600 persons were killed, 678,000 injured and $600,000,000 of property damage incurred as the result of traffic accidents. Of the accidents reported on about 85 per cent were directly traceable to motor vehicle operation. The factors contributing to this condition cover a wide range. Weather conditions, character and quality of road surface, number and location of steam and electric railway grade crossings, degree of automobile saturation on highways, extent and efficiency of traffic control methods employed, street lighting, and character of population, are among the elements to be considered in studying this problem.

There has been considerable intelligent effort directed towards meeting the traffic situation in a number of communities, and in many cases these efforts have met with marked success. There is need, however, for co-ordinated effort directed towards effecting a solution of what is in its essentials a national problem. Recognition of this condition doubtless prompted Secretary Herbert Hoover to call a national conference on street and highway safety to be held in Washington during December. The subject deserves serious attention of all and it is to be hoped that as a result of this conference definite plans will be developed for safeguarding the public against the serious traffic hazard with which it is at present confronted.

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Single Trunk Sewer Proposed to Serve Seventeen Massachusetts Communities.—The construction of a trunk sewer about 36 miles long extending down the valley of the Merrimac River to a point of discharge into the Atlantic Ocean is advised by the Massachusetts department of public health as a means of serving the cities of Lowell, Lawrence, Haverhill and Newburyport together with thirteen other communities tributary to this drainage area. The combined population of the cities and towns which it is planned to serve, according to the 1920 federal census was 344,407. This plan of disposal is deemed preferable by the state department to one providing independent sewage treatment works for various cities and towns or groups of cities and towns which would otherwise be necessary.

The trunk sewer project would include in addition to the main sewer the tributaries and connections, the main pumping plant and one small subsidiary pumping station, as compared with eleven pumping stations and fourteen sewage treatment works that would be necessary if the matter of final disposition of the sewage within the area under construction was left to the local communities. Based on pre-war prices the cost of the trunk sewer project was estimated at about ten million dollars as compared with eight million, four hundred thousand dollars for separate treatment works. The yearly charges for operation of the trunk sewer project was estimated at one hundred seventy-three thousand five hundred dollars while that of the individual plants was placed at three hundred and sixty thousand dollars. The latter figure, however, included an allowance of one hundred ten thousand dollars which it was anticipated represented the possible revenue that could be obtained from treatment of the wool-scouring wastes of Lawrence, Mass. Obviously, these figures are not applicable to present day conditions but it is possible to make a comparison between the annual operating and fixed charges quoted for these two plants that would indicate their relative economy. This shows a marked financial advantage to the trunk sewer project.

It is interesting to note that the proposal of the Massachusetts department of public health followed the investigation of the problem by that department ordered by the state legislature after a more or less continuous agitation of the matter during the past twenty years by the inhabitants of the Merrimac River Valley. The plan in question should offer an excellent example of the advantages that attend cooperative financing of extensive sewage disposal projects and mutual participation in their use by the communities served. It merits the high support from the public of those communities.

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Novel Commercial Utilization of Organic Wastes.—The potential value of certain products in sewage and industrial wastes of various kinds has long been recognized, and commendable effort has been directed towards devising methods of reclaiming these valuable constituents. The Miles-acid process and more recently certain of the accomplishments resulting from the extensive investigational work done in connection with the activated sludge method of treating sewage are examples of progress made in this matter. A novel method of utilizing commercially the gases given off from the fermentation of sewage sludge in the digestion chambers, presumably of Imhoff tanks, has recently been developed in the Ruhr region of Germany according to Dr. Edwin E. Slosson, director, Science Service, Washington, D. C. In that district a large municipal plant has been constructed with concrete hoods over the digestion tanks so designed as to collect the gases of fermentation. This gas mixture ordinarily contains from 65 to 90 per cent of methane with hydrogen up to about 10 per cent. It is said to be superior in quality to the ordinary gas supply furnished municipalities, having about twice the heating value per cubic foot of that furnished from the gas plant at Essen. Dr. Slosson states that the Ruhr experience indicates that by employing the proper bacteria a city of 100,000 population could obtain eleven thousand cubic feet of combustible gas a year out of the normal production of sewage.

Another application of this principle cited by Dr. Slosson relates to the experience of a Dutch manufacturer of straw-board who was much annoyed when the government ordered that the practice of discharging the waste liquor from the wood pulp into the river be discontinued and provision be made for collecting the liquor into storage tanks for settling and filtration. This requirement seemed an unwarranted expense to the manufacturer, but after complying with it he found that if the contents of the tank were inoculated with certain bacteria and maintained at a definite temperature, gas was produced equal in volume to twice that of the liquor and which could be readily collected. This gas proved to contain from 70 to 77 per cent of methane, the remainder being carbon dioxide. The methane gas was collected into gas holders and used in part to operate internal combustion engines which developed all the electrical power required for the works. Surplus gas was sold to the local gas company which mixed it with 25 per cent of coal gas and sold it to the public. This case illustrates what frequently happens, that the government in suppressing a public nuisance offers an industry the opportunity to make a profit out of what had hitherto been considered a waste product of no value. Schemes of waste disposal which are put forward by those interested as offering unusual opportunities for profit by reclaiming salvageable materials or developing power, should be carefully scrutinized before accepting these at their face value. The two examples cited, however, seem to indicate that there are possibilities of utilizing natural bacterial processes in a way that may prove extremely helpful in solving some of our most vexatious waste disposal problems.

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Ill-Advised Assessment Policy for Kansas City, Mo.—A proposal to finance the cost of three trunk sewers, designed to carry storm water, out of bond issues that will be a charge against the entire city was approved by a large majority of the public of Kansas City, Mo., at a recent election, although it required an amendment to the state constitution to permit this action. In the past the policy followed by that city in the financing of this class of improvements has been to assess at a uniform rate per square foot the entire cost of the improvement over the drainage area tributary to the latter. The financing of sewer and drainage improvements offers perhaps the most logical field for the application of the principle of assessment for benefit and ordinarily the greatest benefit has been considered as inhering alone to the property included within the area which these works directly serve. This principle has been recognized in the financing of such trunk sewer projects as the Bronx Valley sewer, in New York state, and the Joint Outlet and Passaic Valley sewer projects, in New Jersey. It is true that in each of these cases several communities are served by the sewerage facilities provided but where a part only of any one of these communities participates in the use of the sewer, property within the area not served ordinarily is relieved from any direct tax burden for providing these facilities. There are doubtless cases where trunk sewers either for storm water or combined sewage may justly be considered as conferring more of a community than a local benefit. Where such conditions exist there should be an equitable allocation of expense for constructing these improvements in respect of property within the area directly served and that over the city at large commensurate with the degree of benefit conferred.

Although unscientific in its construction and inequitable in its application, the constitutional provision under which Kansas City formerly operated would appear to have been sounder in principle than the recent amendment to the state constitution. Aside from the fact that provisions of this kind should not be included in any state constitution, the action of the public of Kansas City in endorsing the above plan of financing sewer improvements is a cause for regret in that it prevents the city government, at least for the present, from applying the principle of assessment for benefit in meeting the cost of such works.

As pointed out editorially in a recent issue of the *Engineering-News Record:*

> If the Kansas City case were without parallel or similitude there would be little reason for discussing it. Unfortunately, hundreds of other American cities are subject to assessment plans which at best are only less absurd and unjust. This is largely due to the fact that assessment practice rests far more upon legal precedents than engineering principles. It fails to take sufficiently into account uses, capacities and costs in relation to benefits resulting from public improvements. Moreover, when the legal precedents were being established, and the same is still largely true, the assessments were levied by commissioners with little knowledge of law and less of engineering, generally on the simplest rule-of-thumb plan of which the commissioners thought the law would permit. These commissioners had to work to statute or charter provisions, also based on legal precedents rather than engineering principles, and they generally took more legal than engineering advice in their interpretation and execution of the law. The result is what may be seen on every hand: Arbitrary charter, statutory and even constitutional methods of assessment prescribed, and where reasonable discretion is left to assessment commissioners, crude rule-of-thumb methods practiced with little regard for anything except the ease of the commissioners in traveling precedent-paved roads.
>
> It is time for engineers to take a hand in bringing public improvement assessments into line with correct assessment-for-benefit fundamentals, and then to see that the practice is varied to suit the nature of the various classes of public improvements, each on a capacity-cost-service-benefit basis.

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Controversy over Award of Pipe Contract Delays Important Water-Works Construction.—Controversy over the award of the contract for the submarine pipe crossing at Dumbarton on the Bay Division of the Hetch Hetchy water supply project threatens serious delay in providing much needed additional water supply facilities for the city of San Francisco. The situation with respect to this matter although a local one has features which are of more than local importance and interests. According to the San Francisco Bureau of Governmental Research: "The controversy centers around the award of contract to the U. S. Cast Iron Pipe and Foundry Company, a New Jersey concern, whose bid was $196,802, instead of to the Union Machine Company, a local concern whose bid amounted to $211,914.

"The chronology of the matter is, briefly, as follows: On January 23, the Board of Public Works advertised for bids for 1,625 tons of 42-inch submarine pipe as per the city engineer's specifications. February 20 three bids were received; the two mentioned above, and one from the Bethlehem Shipbuilding Corporation for $272,824. All bids were referred to the city engineer, and under date of March 4, he reported in writing to the board of public works recommending award of the contract to the U. S. Cast Iron Pipe and Foundry Company.

"This report took into account the cost of inspection under the two lowest bids, the charge for storage against the eastern bid, and the charge for hauling from plant to barge against the local bid. He estimated that the lowest bid represented a saving of $15,100 on the face of the two bids, and a saving of $22,157 considering these other factors. His report pointed out further that the joint of the pipe to be produced by the eastern firm would be superior.

"On February 29, and March 5 and 7, the supervisors' public utilities committee and the board of public works considered protests by the local bidder against awarding the contract to the eastern concern; the California Development Association, the industrial department of the Chamber of Commerce, and labor unions joined, or were considered as joining therein. On March 10, the board of public works awarded the contract to the U. S. Cast Iron Pipe and Foundry Company. On the same date a resolution was adopted by the board of supervisors requesting an investigation of the bids by the joint finance and public utilities committee. On March 12, 19, 21, 26 and April 9, hearings were held by the joint committee or by the public utilities committee.

"In a communication dated March 13th, the chamber of commerce expressed confidence in the city engineer and his recommendations in the matter. Under date of April 16, a communication was received by the city engineer from the California Development Association withdrawing its protest, and approving of the city engineer's recommendation in the matter.

"The board of supervisors, April 28, by resolution directed and requested the board of public works to cancel its award of the contract to the U. S. Pipe Company. The company in a communication filed with the supervisors, May 5, protested the proposed cancellation and gave notice that in the event of cancellation it would sue to recover $52,500 in claimed damages. As the supervisors have failed to make the necessary appropriation to cover the contract, this has been held up by the auditor.

"The matter is now in the courts, the U. S. Pipe Company having applied for a writ of mandate to cause the auditor to certify the contract. A taxpayers' suit has been filed to enjoin the board of works from cancelling the contract; this has not as yet been heard by the court. On advice of the city attorney, the board of public works on May 23 resolved to advertise for new bids.

"Summed up, therefore, the disinterested protestants of the award have withdrawn their protests; the award has been made by the board of public works; the bidder to whom the award was made can produce, in the judgment of the city engineer, a superior type of joint; and the award, according to the city engineer, will represent a saving to the city over the next lowest bidder of $22,157.

"Under the charter the city must award a contract to the lowest responsible bidder. The U. S. Cast Iron Pipe and Foundry Company is the lowest bidder. No claim has been made that it is not responsible; the only test of responsibility is settled by the bidder filing the certified check required. The city would have no legal authority to award the contract to the Union Machine Company. The only way in which this might be indirectly brought about would be to reject all bids and readvertise for new proposals, with the chance that the Union Machine Company might then be the low bidder. Re-advertisement would not insure a bid lower than the ones already received."

Apparently the issue in the controversy is one of favoring local industry in respect of the award of the pipe contract. In view of the stand taken on the issue by the engineering advisers of the city government and the seriousness of the situation from the point of view of the public interest, the action taken by the San Francisco board of supervisors would, to say the least seem to be of extremely doubtful wisdom. As stated by the director of the San Francisco Bureau, "the question of favoritism to local industry is so relatively unimportant that it should not merit serious consideration."

NOTES AND EVENTS

Personals.—Mr. George B. Dealey, who has long been an officer of the National Municipal League and is now head of the publishing firm which publishes the Dallas *Morning News* and the Dallas *Journal*, was tendered a complimentary dinner last month upon his completion of fifty years of continuous service as an employee and officer of the firm. In 1874 Mr. Dealey entered the service of the company as office boy. He has always been keenly interested in civic progress and was one of the organizers of the Southwestern Political Science Association.

George C. Sikes, formerly connected with the Chicago Bureau of Public Efficiency and known to many readers of the REVIEW, is now secretary of the Policemen's Annuity and Benefit Fund for the city of Chicago.

Robert E. Tracy, civic secretary of the Philadelphia City Club, has resigned to take effect immediately. His future plans are not determined, but he will probably re-enter business.

H. M. Olmsted, for a number of years connected with Delos F. Wilcox, has organized, in co-operation with Victor G. Gough, the Civic Utilities Service with offices at 118 East 30th Street, New York. The service is designed to assist public officials and community agencies to solve their utility problems.

The City Club of New York tendered a testimonial dinner to Raymond V. Ingersoll on November 17 upon his retiring as secretary of the club and in recognition of his distinguished services to both the club and the community. Mr. Ingersoll resigned to become the impartial chairman of the board of arbitration organized within the garment industry with jurisdiction throughout the New York district.

✣

City Manager Notes

Texas City Managers to Organize.—We are advised by Mr. R. J. Jackson, executive secretary of the League of Texas Municipalities, that there is at present a movement in the state of Texas to organize the city managers of the thirty city manager cities in that state into the city manager section of the state organization. This closely parallels the action taken by the managers of the State of California in organizing in a similar manner in that state. It is hoped that such a movement will not only make an increase in the efficiency of the managers, but will also encourage their attendance at the meetings of the Association.

City Manager Suit Dismissed.—The supreme court of the United States, upon appeal from the Ohio courts, dismissed a suit by George D. Hile against the city of Cleveland, Ohio, involving the constitutionality of the city manager form of government. The supreme court ruled that there was no federal question involved.

JOHN G. STUTZ.

✣

$14,000,000 Spent by Cities for Public Libraries.—According to the report of the librarian of the District of Columbia for 1924, thirty-three of the largest cities with a population of more than 24,000,000, spent during the past year more than fourteen and one quarter millions of dollars for the support of municipal libraries. New York is first in total expended with two and one fourth million dollars, although among the lowest in per capita expenditure. The home circulation of the municipal libraries in these cities exceeded 83,000,000 volumes. The total number of libraries and branches amounts to five hundred and sixty. The average per capita expenditure is 66⅔ cents. In amount expended per capita Cleveland leads with $1.27 although in per capita circulation she is behind Portland, Seattle and Los Angeles.

✣

Court Terminates Public Rent Control in Washington.—The court of appeals of the District of Columbia held last month that the war time emergency exists no longer and that consequently the rents fixed by the rent commission under the Ball act need no longer prevail. It is expected that an appeal from this descision will be made to the United States supreme court. If this decision stands all rent control is removed in Washington and most observers agree that it will mean an increase in the rent level.

Readers will recall that the District court declared the law unconstitutional in 1921 but that this decision was reversed by the supreme court, which held that the war condition had clothed the renting of houses with a public interest although at other times it might be a matter of purely private concern.

❖

Municipal Research in China Falls on Hard Times.—The Financial Reorganization Commission of Kiangsu has cut off the financial support of the Port Development Association of Kiangsu, thereby eliminating the funds of the Provisional Bureau for the municipality of Woosung which has been in charge of the development of a model municipality for this port which was to serve as a place of entry for Shanghai, China.

At the same time, funds have been discontinued for the Institute for Self-Government, with headquarters at Shanghai. These untoward developments result because the Civil Governor and the Tuchun of Kiangsu have diverted all funds to carry on the war between Kiangsu and Chekiang.

H. C. Tung, who has been in charge of the Provisional Bureau for Woosung Port is in hopes that with the termination of hostilities, funds again will be available for the discontinued projects, which up to this time were striking evidences of the introduction of scientific methods in the government of Chinese municipalities.

LENT D. UPSON.

❖

Reapportionment Amendment Defeated in Michigan.—Michigan voters, November 4, defeated a proposed state constitutional amendment, providing a new method of reapportioning of legislative districts by a vote of 99,412 to 217,788. Some interesting history lies behind this issue—the problem of legislative representation in a state whose industrial cities, especially Detroit, have rapidly grown and now number about half of the state population. In the past two years, several attempts have failed to persuade the state legislature to reapportion the legislative districts so as to increase representation numerically for Detroit and a few other cities. There has been a definite line of contention between Detroit and the agricultural bloc. The Corliss reapportionment amendment provided for placing responsibility for reapportionment in a board of three state officials, chosen *ex officio*, the secretary of state, attorney general, and the lieutenant governor. Several other radical features were included in the amendment, such as basing representation not on population but on qualified or naturalized voters. Oddly enough, the amendment was defeated even in Detroit. It is concluded therefore that the people of Detroit are still willing to trust the legislature in its next session to grant a fair reapportionment without amending the constitution.

WILLIAM P. LOVETT.

❖

Michigan Defeats Income Tax Amendment.—For the second time in two years the voters of Michigan defeated an income tax amendment to the state constitution, this time by a vote of almost five to one. The present proposal was undoubtedly defective. The schedule of rates, which was unduly high, was written into the amendment and the personal exemption extended to all incomes up to $4,000 per annum. It was favored by the State Grange and the Farm Bureaus who expected to profit on account of the high exemption. Arguments used against it were that it would provide the state officials with more money than they could wisely spend, that it would destroy the present "primary school" tax upon certain utilities, who would thus escape their just burden, and that the schedule frozen into the constitution was wrong in principle and practice.

At the same election, the so-called parochial school amendment, requiring all children between the ages of seven and sixteen to attend the public schools, was likewise defeated.

C. E. RIGHTOR.

❖

Detroit to Have Budget Bureau.—The Detroit Bureau of Governmental Research announces the establishment of a budget bureau under the auspices of the comptroller's office. A budget director has been appointed and the move is interpreted as one of the most constructive local measures enacted in recent years. The city's budget is now over $103,000,000. More than 20,000 employees are engaged in the expenditure of this amount, and the property and equipment involved is valued at $300,000,000.

The duties of the bureau will be to assist the mayor in the preparation of the budget and to engage in research work, including a study of the functional organization of the administration for the purpose of establishing unit costs.

The Bureau of Governmental Research points out that it is probable that very extensive duties will be assigned to the budget bureau and that the bureau should have been placed directly under the mayor upon whom rests the responsibility for the plan of work. To do this, however, might have required a charter amendment and, since the comptroller is an appointee of the mayor, the budget director will doubtless reflect the mayors' wishes.

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Election Sustains City Manager Plan in Knoxville.—The voters of Knoxville, Tenn., overwhelmingly signified their approval of the city manager form of government at the November election. On that occasion the enemies of the new government, chiefly old line politicians, tried to hamstring it by the election of a hostile delegation to the state legislature which would secure the passage of amendments emasculating the charter. The friends of the charter, therefore, insisted that the legislative candidates sign a pledge that they would not support any amendment to the charter which had not been approved by the city council. Three Republican candidates and three Democratic candidates signed this pledge and were successful in the election by more than four thousand votes. All candidates who refused to sign the pledge were defeated.

It is interesting to know that the majority by which the hostile legislative candidates were defeated exceeded that by which the charter was originally approved and was larger than the vote by which the city council was elected. In other words, after a year's experiment the majority in favor of the present charter has increased.

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The Ideal City.—A city, sanitary, convenient' substantial, where the houses of the rich and the poor are alike comfortable and beautiful; where the streets are clean and the sky line is clear as country air; where the architectural excellence of its buildings adds beauty and dignity to its streets; where parks and playgrounds are within the reach of every child; where living is pleasant, toil honorable and recreation plentiful; where capital is respected but not worshipped; where commerce in goods is great but not greater than the interchange of ideas; where industry thrives and brings prosperity alike to employer and employed; where education and art have a place in every home; where worth and not wealth give standing to men; where the power of character lifts men to leadership; where interest in public affairs is a test of citizenship and devotion to the public weal is a badge of honor; where government is always honest and efficient and the principles of democracy find their fullest and truest expression; where the people of all the earth can come and be blended into one community life; and where each generation will vie with the past to transmit to the next a city greater, better and more beautiful than the last.—Mayo Fesler in the Bulletin of the Baltimore City Club.

*

Why the People Sometimes Lose Patience.—The following speaks for itself. It was reported in the Bulletin of the Citizens' League of Kansas City, Mo.

"On a recent Sunday morning an interested observer saw that the sewer on the incline of Warwick Boulevard at Thirty-seventh Street was stopped up and that the sewage was running down the street from one of the catch basins. Early Monday morning the interested observer, thinking that the boulevard was under the jurisdiction of the park board, reported the condition to that department.

"The park department said such a case should be reported to the sewer division.

"The sewer division stated that such trouble should be taken care of by the street cleaning department. That department said the trouble would be attended to.

"Tuesday morning came and the sewer was still oozing forth its nauseating liquid and the interested observer thought he would try the hospital and health board.

"The secretary of that organization said the proper place to call was the general hospital.

"The general hospital stated that they didn't have anything to do with such conditions and that the report should be made to the sanitary division.

"At the sanitary division the interested observer was assured that the proper place to go in such a predicament was to the street cleaning department. That department explained that the street cleaning gang was working elsewhere on Monday but that the matter would be attended to.

"This actual experience illustrates a weakness in our system of government. Citizens are discouraged in their attempts at co-operation for the city's good. The tortuous process of getting things done wears away good inclinations. One telephone call to a good city manager would have been sufficient."

Customer Ownership Said to be Accomplishing Its Purpose.—F. S. Burroughs of Harris Forbes and Company, writing in the *American Bankers' Association Journal,* has this to say about customer ownership:

"During the past few years the number of investors in public utility securities has been greatly augmented by the customer ownership campaigns that have been conducted by public utility companies through the country. A start in this direction was made about ten years ago, but owing to conditions prevailing during the war it did not assume any important proportions until after the Armistice. Since that time it has grown very rapidly. The Customer Ownership Committee of the National Electric Light Association reports that the number of shares of stock sold by 185 of the leading electric light and power companies of the country has increased from 42,388 shares in 1918 to 1,806,300 shares in 1923, and that customer ownership campaigns have resulted during the six years in the obtaining of over 632,000 new stockholders, of which amount over 279,000, or nearly half, were obtained in 1923.

"The importance of this movement can scarcely be over-emphasized, as not only are large sums of junior or equity money provided from the sales of stock to customers, but the fact that large numbers of a company's customers are interested in the ownership of the company has proved a very important factor in the improvement of public relations. By taking customers into their confidence and encouraging them to become partners in the business, the utilities have very largely killed agitation for government ownership, and when it has been necessary for them to ask increased rates for their services, they have found an entirely different attitude on the part of the public and of the commissions than would have been the case had the ownership been concentrated in the hands of a small group."

*

Municipal Wash-Houses Successful in England.—The *London Municipal Journal* gives the substance of a report of the Birmingham Baths Committee upon the subject of public wash houses to which housewives can bring the week's accumulation of dirty clothes and wash them with the facilities provided by the city. The report calls attention to the abnormal proportion of the population now compelled to live in apartments where the means for washing and drying clothes are absent. Although considerable prejudice to wash-houses existed at first, it has disappeared in the face of the practical advantages in saving time, labor and expense.

At Manchester two wash-houses of more modern type were inspected by the committee. It was evident there was a great demand among the poorer people for the use of wash-houses, and although open at 6 A. M. on certain days of the week including Saturdays, queues wait for the opening in winter and summer. The opinion of both the authorities and the users in the places visited was that the facilities provided were of great utility and benefit. Even were it possible for the women to do the washing at home, public wash-houses are not only more economical but effect a great saving of time, apart from the additional comfort afforded.

A wash-house is usually described by the number of washing stalls arranged in it, which signifies the maximum number of persons who could use the building at the same time. A 60-stall wash-house consisting of a well ventilated building having administration offices, waiting room, 60 washing compartments (each having a steam heated boiler, washing and rinsing tubs), 60 drying horses or racks which slide in and out of a chamber through which heated air is blown to dry the clothes, 6 hydro-extractors, together with all the necessary boiler plant, shafting, fan, steam, hot and cold water services, etc., is estimated to cost, building and equipment complete, exclusive of site, £12,000.

The charges made for use of such a building are, at Manchester, 3d. per hour for the first four hours, 4d. per hour over four hours. No washer is allowed more than six hours use. At Liverpool the charges are, first hour 1½d., second hour 2d., third hour 3d., fourth and additional hours 4d. The maintenance of these establishments in various parts of the country, imposes a charge on rates of from 10s. to £2 for every £1 taken in receipts.

*

Baltimore Charter Amendments.—The present mayor of Baltimore, Howard W. Jackson, appointed a Committee on Economy and Efficiency soon after assuming office in May, 1923. This committee, composed of men representing some of the larger financial and business corporations of the city, has been making a very thorough study and survey of all of the city departments. They have used a large number of the experts from the corporations in making the survey, particularly accountants. As a result the committee has recommended the consolidation of the engineering departments into a department of public works, with a chief engineer at the head. The city, however, does not have the power to carry these recommendations into effect by ordinance but an amendment to the charter, voted upon November 4, and carried by a vote of 50,000 to 29,000 confers general power upon the mayor and city council to reorganize the municipal organization. The amendment, however, limits the exercise of this power to a period of two years, which will be during the life of the present council. Some fear has been expressed that this gives too much power to the council and the mayor, therefore, announced that he would appoint a charter commission to consider the recommendations which had been made by the Committee on Economy and Efficiency before the passage of any ordinance or ordinances to provide for the consolidation, abolition, or reorganization of any of the existing city departments. This commission is also expected to observe the workings of any consolidation which may be made by ordinance during the next two years and submit an entirely new charter or amendments to the existing charter at the November election, 1926. The commission has already been appointed so that the people will know the membership of the body which will pass upon these questions.

The Committee on Economy and Efficiency are still at work and will have other recommendations to make as to other departments during the coming year. Several recommendations made by the committee have already been put into effect by executive order or by ordinance, among these being the establishment of a central payroll bureau for the payment of all salaries and wages for the city, and the creation by ordinance of a bureau of receipts, which will handle all payments made to the city for taxes, water rents, etc.

Horace E. Flack.

*

Some Figures on Non-Voting in one High-Grade District in Seattle.—In a neighborhood self-survey, made during January, 1924, by the women of the University district of Seattle, one incidental question which appeared on the schedule was: Did you vote at the last municipal election? If not, why not?

Out of a total of 1,292 replies to this question, 188 from men and 1,104 from women (only one member of the household, the informant, who was usually the housewife, gave information on this point), 746 were in the affirmative and 546 definitely stated "No." Sixty-eight per cent of the male informants and 56 per cent of the women said they voted at the preceding election.

The territorial distribution of the voters is of some interest. The district surveyed which includes the University of Washington, falls naturally into two distinct economic areas. The section east of University Way is of a considerably higher economic level than the area lying immediately west of this local business thoroughfare. In the first section reside the university deans, heads of departments, and other professional and business men; while in the second area university instructors, and other low salaried but thrifty home owners dwell. In the better economic section, which includes about half the householders canvassed, 66 per cent voted; while in the lower economic section, not including the floating houseboat population, only 48 per cent voted. The lower percentage of voting in this second section is due to the lower percentage of women who voted,—43 per cent as compared with 64 per cent for the higher economic section.

Four hundred and seventeen of the 546 nonvoters stated their reasons for not voting. These are summarized as follows:

Failure to register	92
Out of town the day of election	86
Not resident of city long enough to vote	71
Lack of interest in elections	60
Ill day of election	43
Non-citizens	29
Disgusted with candidates and politics	16
No knowledge of either candidates or issues	10
Unclassified (such as slipped my mind, no excuse, etc.)	10
Total	417

The results seem to lend support to two common observations: First, the increasing mobility of modern life, indicated not merely by change of residence but by travel and variety of interest as well, tends more and more toward political disfranchisement; second, the increasing complexity of municipal problems together with the growing anonymity of personal relations make it impossible for even the intelligent voter to become sufficiently well informed to maintain interest in civic affairs.

It should be noted that the householders covered by this survey represent the most stable element in what is probably the most stable district of the city. Over 75 per cent are home owners and 85 per cent have been residents of the city for three years or more.

R. D. McKenzie.

University of Washington.

*

City Government Acquits Itself Well in Lorain Disaster.—The Lorain, Ohio, tornado occurred Saturday evening, June 28, when most sources of supplies were closed for the day and many persons ordinarily available for relief work were absent from their homes. The storm wrecked practically all buildings in a quarter-mile belt across the city and destroyed the only bridge connecting the districts east and west of the river. It tore down all wires, blocked many streets, and obstructed highways east and west to the city.

As soon as news of the disaster was received the Red Cross chapters of nearby cities, particularly that of Cleveland, joined the Lorain chapter in organizing rescue work. Surgeons, nurses and relief workers were summoned both by radio and telephone to central points whence they were sent by automobile to Lorain. The state authorities furnished large supplies of tents, cots and blankets from Camp Perry nearby, together with men to handle and erect them. Baking companies were requisitioned for bread, and this with other cooked food was being served in Lorain early Sunday morning. Medical and other supplies were purchased and forwarded promptly.

Six complete canteen services, six first aid stations and six home service stations were established within eighteen hours and relief work proceeded rapidly.

The roads leading into Lorain were so congested with storm refuse and curiosity seekers that truck transportation of supplies was seriously hindered but by co-operation of mayors and police chiefs in surrounding cities certain roads therefore were closed temporarily to all other traffic.

A large passenger steamer, at anchor in Cleveland, was sent at once to Lorain and her searchlights, playing upon the otherwise unlighted city, helped both to further the rescue work and to improve the morale of the citizens. Many hospital cases were transferred from first aid stations to the steamer on Sunday and taken on the following day to Cleveland Hospitals for treatment.

Order in the affected district was maintained by the Lorain police, liberally reinforced by those from Cleveland until the arrival of national guardsmen. The first contingents of these arrived early Sunday morning and with the Cleveland police assisted very greatly in clearing the streets, exploring the ruins for those injured or imprisoned, and in handling the supplies and equipment brought in by trucks.

Water service fortunately was not interrupted; no fires occurred, due to prompt action in cutting off gas and electricity at the plants; and no serious sanitary difficulties developed.

The mayor and other public officials of Lorain worked heroically to restore order, and their thorough co-operation with outside agencies accomplished results otherwise impossible. Practically all relief measures were accomplished by team work between the city government and the Red Cross, which is the accredited national agent for management of relief in such emergencies.

Municipal Research Bureau of Cleveland.

*

The New York City Budget for 1925.—The budget adopted by the New York City Board of Estimate and Apportionment for 1925 calls for appropriations aggregating $398,954,228, an increase of $23,486,328 or 6.26 per cent, over that for 1924. However, allowance must be made for a decrease of $4,057,435 in the direct state tax, and $1,500,000 for tax deficiencies, that is, for taxes levied prior to 1923 deemed uncollectable and not otherwise provided for. The actual increase in appropriations for maintenance expenses is thus $29,048,607 or 8.28 per cent as compared with 1924. There is also an estimated increase of $1,066,679 in the amount available for the department of education from state funds.

Of the above increase, $12,228,905, or over 42 per cent, is due to the debt service. Extensive borrowing for schools and other purposes, following legislation authorizing further departures from the pay-as-you-go policy, is reflected in a net increase of $9,338,667 for interest and redemption of the funded debt. Redemption of one year tax notes, issued to finance public improvements on the pay-as-you-go basis, will require $3,300,000 more than in 1924, and that of special revenue bonds, $1,000,000 more. The latter increase is largely accounted for by the temporary borrowing resorted to in 1924 to meet the payment of the increased salaries to firemen and policemen provided by popular referendum in the 1923 elections. It is offset by a saving of

$1,000,000 in interest on the temporary debt which is anticipated in 1925 because of low money rates.

Exclusive of the debt service and tax deficiencies, appropriations for city and county expenditures amount to $276,234,968, an increase of $16,819,703, or about 6.5 per cent over 1924. Of this amount, over $12,000,000 represents increases in the pay roll. About $1,500,000 is allowed for a 10 per cent increase in the salaries of clerical employees earning from $1,200 to $2,400. For increases in wages under the "prevailing wage" provision $1,000,000 has been appropriated, as compared with $500,000 in 1924. Mandatory salary increases for the uniformed forces total about $2,500,000. More than $1,500,000 is accounted for by additions to the police force, chiefly for traffic regulation and the policing of outlying districts. The personnel of the street cleaning force has been greatly increased.

Appropriations other than for personal service show an increase over this year of about $4,500,000. Of this $1,000,000 is for mothers' pensions, and about $750,000 for the Teachers' Retirement System and the city employees' Retirement System. The most important other increases are for new equipment in the street cleaning department, for the several boroughs, and for the police department, including repairs and replacements to police buildings.

The largest departmental increases are as follows: Police, $4,740,000; street cleaning, $2,397,000; fire, $1,184,000; borough presidents, $2,090,000 (of which nearly half is due to the phenomenal growth of Queens). The appropriation for the department of education is $1,730-000 larger than in 1924. Including state school money, the total budget of this department has been increased $2,797,000, due entirely to salaries of the additional teachers required by the growing enrollment.

The budget of 1925, like every other of recent years, is a "record" budget. Considering only city and county appropriations, and excluding the tax deficiency appropriation, it represents an increase of over $197,000,000, or more than 108 per cent, as compared with the budget of 1913. The per capita appropriations rose from $36 to $62, or somewhat over 72 per cent. Including the money provided for education by the state since 1920, the increase is $218,000,000 (119 per cent), or to $66 per capita (an increase of 83 per cent).

The debt service is responsible for about $49,000,000, an increase of 88 per cent over 1913. Appropriations for other purposes increased nearly $149,000,000, or over 116 per cent. The largest increases have been in the following departments: Education, $42,518,000 or 121 per cent ($63,404,000 or 180 per cent if state moneys are included); police, $21,191,000, or 127 per cent; street cleaning, $12,524,000, or 162 per cent; borough presidents, $11,242,000, or 130 per cent; fire, $10,140,000, or 113 per cent. Of the city services started since 1913, the board of child welfare is responsible for an addition of $5,158,000 to the budget, and the various pension systems for an aggregate addition of $8,330,000.

T. David Zukerman.

⁂

Recent Developments in Chicago Local Transportation.—Chicago citizens first gave expression to their desire for municipal ownership of their street railways in a referendum vote (more than 83 per cent for and less than 17 per cent against) on April 1, 1902. In 1905 they elected a mayor pledged to carry it out, but the traction exploiters were able to defeat it and secure a new franchise for themselves. Late in 1922, the friends of municipal ownership and other civic-spirited citizens realized that, during the next mayor's term of four years, the traction question would again be up for another decision. On account of his opposition as alderman to the 1907 ordinance, although it was adopted later by referendum, Judge William E. Dever was considered the most trustworthy of any of the available candidates to look out for the city's interest in the settlement of traction affairs.

In July, 1923, shortly after Mr. Dever took office as mayor, he began negotiations with the transportation interests, both surface and elevated lines, with a view of determining on what basis the properties might be acquired by the city. As parties to these negotiations, representatives from a number of banking institutions which have been large handlers of local transportation securities were invited to take part. The public was not invited to participate in the discussions. After about fifteen months of conferences, the negotiations reached an impasse, the main obstacle to an agreement being the purchase price demanded by the companies for the properties. Following his failure to accomplish anything through negotiation with the companies and the banks' representatives, the mayor turned the matter over to the city council with the suggestion that the council try their hand and if they met with failure in reaching a satisfactory settlement, the city undertake the construction of a system of municipally owned subways and elevated lines to cost from $70,000,000 to $80,000,000.

PURCHASE PRICE TOO HIGH

The purchase price asked for the surface lines is about $162,500,000. The actual money that was put into the new property that is now used and useful for street railway purposes probably amounted to much less than $100,000,000. The greater portion of the property has been in service for an average of fifteen years. This means that very heavy depreciation has already taken place and that within the next five or ten years, a vast amount of major renewals will have to be undertaken. This simply means that if the city purchased at the figure contemplated by the companies, it would be paying about $56,000,000 for property or claims not now in existence. Also, it would be paying in addition more than the new value for property that is from 60 per cent to 80 per cent worn out and due to be discarded and replaced within the next few years.

The elevated lines demand about $90,000,000 for their property. It probably cost less than $50,000,000 to construct nearly thirty years ago. It may be safely assumed that the greater portion of this property has suffered depreciation through time, wear and tear of not less than 50 per cent. The $90,000,000 claimed by the company was the value placed on the property by the Illinois Public Service Commission several years ago at a rate hearing in which the companies demanded an increase in fares. The peak of war prices was probably used as the base in computing "values."

CITY SHORT OF CASH

Instead of being able to undertake condemnation proceedings before a competent tribunal to acquire these properties at somewhere near their true depreciated value, the city of Chicago is under the serious handicap of not being able to raise the necessary cash to pay for them upon completion of court proceedings. It has already issued bonds for corporate purposes to the extent allowed by the state constitution, which is 5 per cent of the taxable value within its corporate limits. It has not the power to issue bonds for revenue producing enterprises as a lien against the general credit of the municipality beyond the 5 per cent limitation mentioned. It has the right to issue the so-called Mueller certificates in which the utility property and the earnings of the enterprise are pledged for security. These are, however, useless as a part of condemnation proceedings to acquire public service utility property.

A part of the mayor's proposal, in case the city is compelled to undertake the construction of competitive transportation lines, is to raise part of the funds by special assessment against the property benefited. While New York possesses the right, it has never exercised it, with the result that the car riders have to pay for these enormous fixed charges while the property owners reap great profits through enhanced values resulting from costly transportation facilities. While the fare in New York has remained at five cents, the overcrowding and congestion in trains and stations are intolerably indecent.

The mayor has made two proposals in his message which can hardly be said to meet the approval of municipal ownership advocates. First, the proposal to submit a plan of settlement or proceedure, for referendum vote the latter part of next February. After having spent over a year in bargaining with the companies without definite results, it seems hardly fair now to turn the matter over to the city council and voters with the expectation that they shall solve the problem and reach a decision in less than four months. The second proposal is to use the traction fund or part of it to build rapid transit subways and elevated lines. This fund has been made possible almost wholly by the sacrifices of the surface car riders as a result of bad service. Certainly there is no justice in taxing one part of the community for the sole benefit of another which itself has not contributed to the benefits it is to receive.

OTHER PROPOSALS

Shortly before the mayor sent his message to the council, Samuel Insull, representing the rapid transit or elevated lines of Chicago, made a proposal for building some extensions to the elevated lines and down town subways, if given certain additional franchise rights. The mayor expressed doubt of the good faith or financial ability of the elevated lines to carry out promises or contracts, or finance any adequate improvements. Apparently, so far as the mayor is concerned, Mr. Insull's proposals will be ignored.

On October 20, Henry A. Blair, president o the Chicago surface lines, came forward with a proposal that a unification be effected between the elevated and surface lines of the city; that the city undertake the construction of subways in the down town district for both elevated and surface lines at its own expense; that the management of the proposed unified service-at-cost system be left in the hands of a board of trustees, the majority to be appointed by the company and the balance by the city; that an amortization or purchase fund be created whereby the purchase price to the company would be gradually liquidated and as the amount of equity owned by the city increases through this means, the city's representation on the board would be proportionately increased. It was estimated that at the end of about 25 years, the city would have obtained a majority control of the board. The proposal of Mr. Blair calls for an outlay during the next six years of about $106,000,000 for subways, elevated and surface line extensions and equipment. As the mayor has expressed himself against any franchise extensions or new grants, this proposal will probably not find an advocate in him. In fact, the plan could have no appeal to any honest advocate of municipal ownership.

Shortly following Mr. Blair's suggested scheme, Leonard A. Busby, president of the Chicago City Railways, a part of the Chicago surface lines, presented a proposal that if the city built municipal rapid transit lines, his company would be ready to enter into an agreement for an exchange of transfers between the two systems at suitable intersection points.

Charles K. Mohler.

*

Cincinnati Adopts City Manager Plan.—By the decisive vote of 88,000 to 40,000 the people of Cincinnati adopted on November 4 an amendment to the city charter providing for a city manager and a council of nine elected from the city at large by the Hare system of proportional representation. The amendment goes into effect January 1, 1926. The vote was a decisive defeat for the Republican machine which sought to defeat the amendment by proposing two alternatives. At this same election the people further evinced distrust of the present city government by refusing to authorize an increased tax rate which was badly needed for the operation of the municipal services during the coming year. For full accounts of the Cincinnati revolution see the NATIONAL MUNICIPAL REVIEW for October and November.

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NEW YORK, N. Y.

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